

Also, resolutions of the same body, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON of Alabama: Papers to accompany House bill 13315, for the relief of M. H. Carr—to the Committee on War Claims.

Also, paper to accompany House bill 13313, for the relief of the trustees of the Methodist Episcopal Church South at Bellefonte, Ala.—to the Committee on War Claims.

Also, paper to accompany House bill 13314, for the relief of the trustees of the Cumberland Presbyterian Church at Bellefonte, Ala.—to the Committee on War Claims.

By Mr. RUCKER: Resolutions of Brotherhood of Locomotive Firemen No. 54, Moberly, Mo., for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. RYAN: Resolutions of Retail Clerks' Union No. 212, and Brewery Engineers and Firemen's Union No. 80, Buffalo, N. Y., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolution of Pattern Makers' Association, Buffalo, N. Y., favoring House bill 9053, to enforce the law of domicile—to the Committee on Labor.

By Mr. SPERRY: Resolution of Polish Society of Meriden, Conn., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. SULLOWAY: Petitions of Woman's Christian Temperance Unions of Charlestown, Swiftwater, Farmington, and Exeter, N. H., favoring an amendment to the Constitution making polygamy a crime—to the Committee on the Judiciary.

By Mr. YOUNG: Resolution of Carpenters' Union No. 463, Flint Glass Workers' Union No. 19, and Chartered Society of Lace Curtain Operatives, Philadelphia, Pa., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, April 3, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will be approved.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of Muncie Lodge, No. 20, Amalgamated Association of Iron, Steel, and Tin Workers, of Muncie, Ind., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented petitions of the Dairymen's Mutual Association of Evansville, and of Burnell Smith and sundry other citizens of Mongu, in the State of Indiana, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented memorials of Cigar Makers' Local Union No. 204, of New Albany; of Cigar Makers' Local Union No. 335, of Hammond, and of Cigar Makers' Local Union No. 382, of Rushville, all in the State of Indiana, remonstrating against the reduction of the present duty on cigars imported from Cuba; which were referred to the Committee on Finance.

He also presented a petition of Jones-Darling Camp, No. 186, National Association of Spanish-American War Veterans, of Elkhart, Ind., praying for the enactment of legislation to prevent the desecration of the American flag; which was referred to the Committee on Military Affairs.

He also presented a petition of the Flint & Walling Manufacturing Company, of Kendallville, Ind., praying for the enactment of legislation providing for a reorganization of the consular service of the United States; which was ordered to lie on the table.

He also presented a memorial of the Chandler & Taylor Company, of Indianapolis, Ind., remonstrating against the enactment of legislation providing for the adoption of the so-called metric system of weights and measures to the exclusion of the present standard; which was referred to the Select Committee on Standards, Weights, and Measures.

He also presented petitions of General Lawton Herd, No. 5, Noble Order of Buffaloes, of Fairmount; of Frank L. Littleton and 750 members of the League of American Sportsmen, of Indianapolis, and of Z. T. Sweeny, of Columbus, all in the State of Indiana, praying for the enactment of legislation providing for

the protection of the birds and wild animals of the country; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petitions of S. M. Keltner, of Anderson; of Bert A. Beidler, of Auburn; of H. N. Spaan, of Indianapolis, and of A. A. Tripp, of North Vernon, all in the State of Indiana, praying for the enactment of legislation providing for the protection of game in Alaska; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of Bricklayers' Local Union No. 12, of Marion; of Typographical Union No. 1, of Indianapolis; of Retail Clerks' Local Union No. 291, of Dunkirk; of Carpenters and Joiners' Local Union No. 431, of Brazil; of Carpenters and Joiners' Local Union No. 533, of Jeffersonville; of Bakers and Confectioners' Local Union No. 195, of Anderson; of Stone Masons' Local Union No. 21, of Marion; of Veedersburg Local Union, No. 71, of Veedersburg; of Bricklayers' Local Union No. 8, of Anderson; of Typographical Union No. 332, of Muncie; of Stone Masons' Local Union No. 27, of Wabash; of Typographical Union No. 287, of Frankfort; of Hoosier Lodge, No. 582, Brotherhood of Locomotive Firemen, of Richmond; of Cigar Makers' Local Union No. 382, of Rushville; of Typographical Union No. 76, of Terre Haute, and of Local Union No. 159, of Marion, all in the State of Indiana, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. CLAPP presented a petition of M. Clancy Division, No. 360, Order of Railway Conductors, of Two Harbors, Minn., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. DRYDEN presented memorials of sundry citizens of Paterson, Jersey City, Trenton, Harrison, Camden, Newark, and Hoboken, all in the State of New Jersey, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine, and praying for the passage of the so-called Wadsworth substitute; which were ordered to lie on the table.

He also presented the petition of William Fitz Randolph, of Newmarket, N. J., and the petition of C. L. Beach, of Newark, N. J., praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented memorials of S. Scheurer & Co., of Paterson; of Dr. W. Thum, of Newark; of Benjamin D. Van Beusen, of Hoboken; of Dr. Francis H. Munroe, of Newark; of G. H. White, of Jersey City; of Ammon & Person, of Jersey City; of the Melting and Churning Company, of Hoboken; of F. Gunther, of Hoboken; of J. M. Jurgansen, of Hoboken; of L. Schuchmen, of Jersey City; of Dr. Ferdinand Sanes, of Jersey City; of J. G. Patton, of Paterson; of Dr. A. R. Judson, of Newport; of Dr. W. J. Burd, of Belvidere; of Dr. D. F. Cartell, of Jersey City; of Mrs. P. J. Klahr, of Jersey City; of M. W. Hull, of Jersey City; of Dr. J. J. Bauman, of Jersey City; of John Thompson, of Jersey City; of Dr. L. B. Parsell, of Closter; of Dr. A. Topfer, of Jersey City; of Edgar Williams, of Orange; of G. W. Ross, of Jersey City; of John R. Hennessey & Co., of Jersey City; of Beach Bros., of Jersey City; of Harry S. Ford, of Pensauken; of J. F. Hussey, of Paterson; of E. W. L. Dowling, of Jersey City, and of Thomas E. Smith, of Jersey City, all in the State of New Jersey, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. GAMBLE presented a petition of Lead City Miners' Union, of Lead City, S. Dak., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. KEAN presented petitions of W. J. Henshaw, of Chicago, Ill.; of R. B. Harrison, of Chesterfield; of Jacob W. Edwards, of Long Branch; of Dr. Edgar Roberts, of Keyport; of Macy Carhart, of Keyport; of E. G. Gill, of Haddonfield; of the Hildebrand Company, of Elizabeth; of William Howard, of Rahway; of Herman J. Lohmann, of Jersey City, and of Friesburg Grange, Patrons of Husbandry, of Cohansey, all in the State of New Jersey, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented memorials of the S. B. Ellis Company, of Jersey City; of Dr. Norton L. Wilson, of Elizabeth; of Dr. E. B. Silvers, of Rahway; of George Froggott, of Elizabeth; of E. S. E. Newbury, of Elizabeth; of William Meyer, of Elizabeth; of S. A. Poppenga, of Elizabeth; of J. W. Orr, of Elizabethport; of William Killy, of Elizabethport; of M. E. Connor, of Elizabethport; of Walsh & Redhead, of Elizabethport; of M. Lange & Sons, of Elizabethport; of Charles G. Dow, of Elizabeth; of Moses Mendel, jr., of Elizabeth; of F. Gunther, of Hoboken; of William O'Connor, of Hoboken; of H. O. Wittpenn, of Jersey City; of Albert E. Roy, of Jersey City; of T. C. Kinkead, of Jersey City; of J. R.

Callahan, of Millville; of L. Kramer, of Jersey City; of Dr. F. H. McKenzie, of S. Schuer & Co., of Paterson; of Harry S. Ford, of Pensauken; of L. Lehman & Co., of Trenton; of Benjamin D. Van Buren, of Jersey City; of L. Margardt, of Hoboken; of De Mott & Ryerson and sundry other citizens of Wayne; of E. W. Johnson, of Jersey City; of Dr. R. C. Newton, of Montclair; of Dr. James Crooks, of Paterson; of Dr. Fred W. Thum, of Newark; of George H. White, of Jersey City; of John A. Thompson, of Jersey City; of Mark W. Hull, of Jersey City; of Dr. D. F. Corbell, of Jersey City; of John Mulligan, of Jersey City; of Mrs. P. J. Klahn, of Jersey City; of Dr. John E. West, of Jersey City; of Dr. E. W. Crater, of Oceanport; of Edgar Williams, of Orange; of J. Kann, of Jersey City; of Abram Hancock, of Newark; of John W. Jorgensen, of Hoboken; of Dr. J. L. Whitaker, of Cranbury; of Dr. Jephtha C. Clark, of Andover; of Dr. G. G. Hoagland, of Keyport; of Dr. Henry Cravane, of Salem; of Dr. H. W. Ferguson, of Beemerville; of E. J. Newton, of Whippany; of Dr. C. W. Ford, of Morristown; of J. G. Patton, of Paterson; of Dr. Frederick N. Sauer, of Jersey City; of John Seaman, of Perth Amboy; of Ammon & Person, of Jersey City; of sundry citizens of Boonton, Morristown, Ionia, Stanhope, Oxford, Washington, Phillipsburg, Newton, Hackettstown, Stanhope, Paterson, Jersey City, Wayne, Bayonne, Perth Amboy, and Red Bank, and of the Medical Society of New Jersey, all in the State of New Jersey, and of Lestrade Brothers, of New York City, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

Mr. COCKRELL presented a petition of Typographical Union No. 40, American Federation of Labor, of St. Joseph, Mo., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of Bricklayers and Masons' Local Union No. 10, American Federation of Labor, of Springfield, Mo., and a petition of Typographical Union No. 40, of St. Joseph, Mo., praying for the reenactment of the Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. BLACKBURN presented a petition of Typographical Union No. 10, American Federation of Labor, of Louisville, Ky., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

He also presented a petition of Typographical Union No. 10, of Louisville, Ky., praying for the reenactment of the Chinese-exclusion law; which was ordered to lie on the table.

Mr. McMILLAN presented a memorial of sundry business firms of Saginaw, Mich., remonstrating against the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

He also presented petitions of Hersey Grange, No. 518, Patrons of Husbandry, of Hersey, and of sundry citizens of Cresco, in the State of Michigan, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented a memorial of the Business Men's Association, of Marine City, Mich., remonstrating against a reduction of the tariff on raw sugar imported from Cuba; which was referred to the Committee on Relations with Cuba.

He also presented petitions of the Trades and Labor Council, of Lansing; of the Central Labor Union, of Saginaw, and of Twin City Clerks' Local Union, No. 356, of Hancock, all in the State of Michigan, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

He also presented a petition of Plumbers and Steam and Gas Fitters' Local Union No. 190, American Federation of Labor, of Ann Arbor, Mich., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

Mr. QUARLES. I present 182 petitions in favor of the pending oleomargarine bill. These petitions are signed by 6,327 citizens residing in various cities in the United States, and were sent direct to the Committee on Agriculture and Forestry. I move that the petitions lie on the table.

The motion was agreed to.

Mr. HANNA presented memorials of the Woman's Christian Temperance Union, of Columbus; of the Retail Grocers' Association, of Uhrichsville and Dennison; of John C. Hoffman and 36 other citizens of Portland Station; of C. M. McConnell and 57 other citizens of Woodstock, and of Cone Howard and 102 other citizens of Milford Center, all in the State of Ohio, remonstrating against the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented the petition of L. M. Greenwood and 19 other

citizens of Chaelwick, Ohio, and the petition of C. M. Poor and 21 other citizens of Glendale, Ohio, praying for the passage of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented a memorial of the German Central Bund of Toledo, Ohio, remonstrating against the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented a memorial of Cigar Makers' Local Union No. 43, American Federation of Labor, of Urbana, Ohio, remonstrating against any reduction of the import duty on cigars; which was referred to the Committee on Finance.

He also presented the petition of William Berton and 5 other citizens of Wilmington, Ohio, praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented petitions of the Painters, Decorators, and Paper Hangers' Union of Bowling Green, of Boiler Makers and Iron Shipbuilders' Union No. 105 of Cincinnati, of Boot and Shoe Workers' Local Union No. 68 of Cincinnati, of the Lithographers' Association of Akron, of Local Union No. 206 of Canton, of Retail Clerks' Local Union No. 239 of Bowling Green, of Boot and Shoe Workers' Local Union No. 241 of Columbus, and of Pressbinders' Local Union No. 10 of Zanesville, all of the American Federation of Labor, in the State of Ohio, praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Harry Kelly and 45 other citizens of Springfield; of Bricklayers' Local Union No. 9, of Bellaire; of Local Union No. 416, of Norwalk; of Federal Union No. 7503, of Byesville; of Boiler Makers and Iron Shipbuilders' Union of Cincinnati; of Painters, Decorators, and Paper Hangers' Local Union No. 315, of Bowling Green; of Stereo-Electrotypers' Local Union No. 14, of Columbus, and of Local Union No. 43, of Urbana, all of the American Federation of Labor, in the State of Ohio, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. PENROSE presented petitions of 64 citizens of Pittsburg; of Fall City Council, No. 385, Order of United American Mechanics, of Fall City; of Mount Moriah Lodge, No. 319, of Philadelphia, all in the State of Pennsylvania, praying for the reenactment of the Chinese-exclusion law; which were ordered to lie on the table.

Mr. SIMMONS presented petitions of the Chamber of Commerce of Washington, the Chamber of Commerce of Newbern, and of the Chamber of Commerce of Elizabeth City, all in the State of North Carolina, praying for the construction of an inland waterway from Chesapeake Bay to Beaufort, N. C.; which were referred to the Committee on Commerce.

He also presented a petition of the Textile Union of Concord, N. C., and a petition of Textile Workers' Local Union No. 216, of Salisbury, N. C., praying for the enactment of legislation providing an educational test for immigrants to this country; which were referred to the Committee on Immigration.

Mr. FRYE presented the petition of F. M. Jewett, of Augusta, Me., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

CHINESE EXCLUSION.

Mr. TURNER. Mr. President, I have had sent to me a memorandum in reference to certain phases of the Chinese question, prepared by Mr. Edward J. Livernash, of the California Chinese exclusion commission, for that commission and other bodies which are interested in the subject here. It is a very valuable and important contribution to that question, and I ask that it be printed as a Senate document.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent that the papers which he presents, relating to the Chinese question, may be printed as a document. Is there objection?

Mr. HALE. What is the request?

The PRESIDENT pro tempore. That there be printed certain papers relating to the Chinese-exclusion act, a compilation prepared by —

Mr. TURNER. By Mr. Livernash, of the California Chinese exclusion commission. It is a very valuable paper.

Mr. HALE. I have no objection.

The PRESIDENT pro tempore. Without objection, the printing is ordered.

TRADE RELATIONS WITH CANADA.

Mr. NELSON. I present a petition signed by over 600 of the most prominent firms and business men of St. Paul, Minn., together with resolutions adopted by the board of trade of that city, in favor of a reciprocal trade agreement with the Dominion of Canada. I ask that the petition, together with the resolutions,

be printed in the RECORD without the names, and that they be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota?

There being no objection, the petition and resolutions were referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

ST. PAUL, MINN., March 29, 1902.

Hon. KNUTE NELSON,
United States Senator, Washington, D. C.

DEAR SIR: We herewith present you with a petition to Congress favoring a reciprocal agreement with Canada.

This petition, you will notice, has been signed by over 600 of our most representative firms and business men.

We inclose with the petition a duplicate copy of resolutions unanimously adopted by our board of directors December 16; also other communications and clipping bearing on the subject.

We beg your careful consideration and earnest support in securing favorable action on the part of Congress.

Yours very truly,

BENJAMIN F. BEARDSLEY,
Secretary.

[St. Paul Pioneer Press, March 29, 1902.]

RECIPROCITY WITH CANADA.

The petition which was recently sent to Congress, signed by all the leading business men of St. Paul, for commercial reciprocity with Canada, was simply a local expression of a general sentiment which prevails throughout all the States on the Canadian border from Maine to Oregon and Washington, and of a general movement to give it effect in appropriate national legislation. Much as Minnesota is interested in opening to the trade of her merchants the prosperous and progressive territory embraced in the northwestern Provinces of Canada, the New England States and northern New York are still more interested in closer commercial relations with the far more populous Provinces of Ontario and Quebec. All attempts on the part of Canada to bring about a commercial treaty with this country on a basis of mutual and equivalent tariff concessions have been frustrated by the influence of the protected interests which have been arrayed against it. And since this country, which forms the natural market for her products, has refused these opportunities to extend its Canadian markets by opening its own on terms of reciprocal concession to the Canadian producers, the Dominion government is seriously considering a policy of retaliation. There is a tariff bill now pending in the Dominion Parliament providing for discriminating duties against the manufactured products of the United States as a further step in the direction already taken by discriminating in favor of English imports.

Mr. John Charlton, who has been a leading representative of the Canadian movement for reciprocity, plainly indicates that this bill may receive the support of the Canadian government. He declares that if the United States, while possessing 63 per cent of the total import trade of Canada, continues to shut its market against Canadian products, Canada is ready to declare a war of duties. We are now selling to Canada \$110,000,000, while buying from her only \$45,000,000 a year. New England is already alarmed at the threatened contraction of its large business with Canada, while it is anxious to obtain the cheap raw material—the lumber, ore, and coal—which Canada is ready to furnish to its industries. A close commercial union with Great Britain would largely compensate Canada for the loss of her now restricted American trade, but the United States can find nowhere on the globe any market to replace that which she already has in Canada, and can make no reciprocity treaties with other countries which would so widen the market for her wares as in Canada.

It is for these reasons that the Boston Chamber of Commerce has asked the cooperation of all the business interests in the northern belt of American States in urging that the United States Government take the initiative in arranging a reciprocity treaty with Canada on the basis of equivalent tariff concessions on both sides. As a matter of fact, such a reciprocity treaty would be of far greater advantage to the United States than it would be to Canada. The bulk of her farm products now go to Great Britain, and will continue to go there. But she would consume a far greater amount of our manufactured goods if she were allowed to do so. Congress is pottering over treaties with France and Italy and other countries. Right on our northern border lies a country stretching from the eastern to the western ocean, divided from it by no natural barriers, inhabited by people of the same race and language, with whom reciprocal trade on terms that would facilitate the exchange of their products would be worth more to the United States than that of any other country in the world except Great Britain, whose trade is free to all the world.

OFFICE OF THE CHAMBER OF COMMERCE,
St. Paul, Minn., —, —.

Hon. KNUTE NELSON and Hon. MOSES E. CLAPP,
United States Senate, Washington, D. C.:

The undersigned, merchants and manufacturers of St. Paul, Minn., represent that a reciprocal trade agreement with the Dominion of Canada, prepared on the basis of equivalent concessions, would be of great benefit to the business interests of the United States, and they respectfully solicit your active influence to the end that such a treaty may be negotiated and ratified. [756 signatures.]

Resolutions St. Paul Chamber of Commerce. Reciprocal trade with Canada, unanimously adopted December 16, 1901.

Whereas it is essential for the maintenance and future extension of our export trade that the United States should make favorable commercial agreements with foreign countries; and

Whereas it is peculiarly desirable that the United States should cultivate the most intimate trade relations with the countries of the American continent; and

Whereas the Canadian people are relatively the best foreign customers that we have, and an impairment in our trade intercourse with them would be seriously detrimental to a great variety of our business interests: Therefore, be it

Resolved, That the St. Paul Chamber of Commerce earnestly requests the authorities at Washington, and trust that the merchants and manufacturers of this city will associate themselves in this petition to endeavor to make, on the basis of mutual concessions, a reciprocal trade treaty with the Dominion of Canada.

Resolved, That copies of this resolution be sent to the President of the United States and to the two Senators representing the State of Minnesota in the United States Senate.

These resolutions were also indorsed by the St. Paul Jobbers' Union, St. Paul Chamber of Commerce, and Northwestern Manufacturers' Association.

[The Pioneer Press, J. A. Wheelock, editor.]

ST. PAUL, MINN., March 6, 1902.

Mr. C. J. WHELLAMS,
Secretary Northwest Manufacturers' Association, City.

DEAR SIR: I desire to congratulate you upon the high character of the signers of the petition to Congress for a reciprocal agreement with Canada, to which you have been instrumental in securing their signatures. They represent the body of the business men of high standing in this community who are the most progressive and influential representatives of the commercial interests of the city and the State. It ought to carry great weight with Congress.

Very truly, yours,

J. A. WHEELOCK.

ST. PAUL FOUNDRY COMPANY,
St. Paul, Minn., March 6, 1902.

Mr. C. J. WHELLAMS,
Secretary of the Northwest Manufacturers' Association,
St. Paul, Minn.

DEAR SIR: It is with considerable surprise that I find on investigation of the list of names that you have succeeded in securing on the reciprocity question with Canada. On careful examination I find you have the leading and most substantial business houses of the city, and I believe it is the strongest list of any petition that was ever signed in this city. I congratulate you on securing this large list, and I think that the influence and weight will have considerable bearing toward securing the reciprocal agreement with Canada.

Yours, truly,

JOHN B. JOHNSTON,
President Northwest Manufacturers' Association.

ST. PAUL ROOFING, CORNICE, AND ORNAMENT COMPANY,
St. Paul, March 6, 1902.

Mr. C. J. WHELLAMS,
Secretary Northwest Manufacturers' Association, City.

DEAR SIR: Having before us the results of your canvassing for names in support of the petition, reciprocity with Canada, we have to say that this is one of the most, if not the most, weighty and important list of signatures ever signed to any petition in this city, and is notable on account of the lack of individual names to increase number, and for the great weight carried by the firm signatures, of practically all of the financial, commercial, and industrial interests of this city, with the single exception of the lumber manufacturers. We congratulate you on making so clear a preponderance of signatures, so clearly and forcibly demanding the enactment of legislation toward the end of reciprocal trade with our immediate neighbors on the north.

Respectfully, yours,

A. K. PRUDEN,
Chairman Mercantile and Manufacturing Company,
St. Paul Chamber of Commerce.

NORTHWESTERN INVESTMENT COMPANY (INCORPORATED),
St. Paul, Minn., March 6, 1902.

Mr. C. J. WHELLAMS,
Secretary Northwestern Manufacturers' Association,
St. Paul, Minn.

DEAR SIR: I have looked over with interest and with a good deal of care the names which you have succeeded in having subscribed to the petition for "a reciprocal agreement with the Dominion of Canada." As you know, I have lived here long enough to be very generally acquainted with the names and standing of the leading business men of St. Paul. I am very much impressed at the high character of the signatures to this petition and doubt whether any petition ever went out of this city with an equal number of really influential names.

You are to be most heartily congratulated upon the success which has attended your effort in having our business interests of all sorts express themselves in favor of this movement.

Very truly, yours,

THOS. COCHRAN,
President Northwestern Investment Company.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 12093) to authorize the construction of a bridge across the Neuse River at or near Kinston, N. C., reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3334) granting an increase of pension to Thomas E. James, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2409) granting a pension to John A. Rotan, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7847) granting an increase of pension to Charles S. Wilson;

A bill (H. R. 12490) granting an increase of pension to Joseph Culbreath; and

A bill (H. R. 2613) granting an increase of pension to Thomas H. H. Gibbs.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 7290) granting an increase of pension to Lizzie B. Green, reported it without amendment, and submitted a report thereon.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (H. R. 10363) to authorize the establishment of a life-saving station on Ocracoke Island, on the coast of North Carolina, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other

purposes, reported it with an amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Patents, to whom was referred the bill (S. 1812) to authorize the registration of the names of persons, firms, or corporations engaged in transportation business, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 4926) granting an increase of pension to Charles A. Rubin; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Charles A. Rubin, asking for an increase of pension, together with certificate of Dr. J. B. Nichols and affidavits of Robert L. Tolson and Augustus Williams. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. CLAPP introduced a bill (S. 4927) granting a pension to Hattie M. Whitney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD (by request) introduced a bill (S. 4928) for the relief of the estate of Esau Berry, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCENERY introduced a bill (S. 4929) for the relief of the estate of J. E. Stafford, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4930) for the relief of W. O. Rodney; which was read twice by its title, and referred to the Committee on Claims.

Mr. BARD introduced a bill (S. 4931) granting an increase of pension to Augustin M. Adams; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCCOMAS introduced a bill (S. 4932) providing for the extension of the Loudon Park National Cemetery, near Baltimore, Md.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4933) for the relief of Mrs. Inez Shorb White; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 4934) granting an increase of pension to Francis McAdams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4935) granting an increase of pension to Mary J. Irwin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4936) granting an increase of pension to Robert L. Griffin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEITFELD introduced a bill (S. 4937) to incorporate the Columbia Heat and Power Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FOSTER of Washington submitted an amendment proposing to appropriate \$25,000 for the purpose of improving the Mount Rainier National Park, in the State of Washington, and for the protection of the park, the construction and repair of bridges, fences, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. CLAPP submitted an amendment conferring jurisdiction on the Court of Claims to hear and determine the claims of the Chippewa Indians of Lake Superior and Mississippi for sums of money claimed under certain treaties; of the Pillager bands of Chippewa Indians of Minnesota; of the Delaware Indians residing in the Cherokee Nation; of the White River Utes, Southern Utes, Uncompahgre Utes, Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Ute Indians, known also as the Confederated bands of Ute Indians of Colorado; and of the Peoria, Kaskaskia, Wea, and Piankashaw Indians, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table and be printed.

Mr. PENROSE submitted an amendment proposing to increase the appropriation for completing the improvement of Aransas Pass, Texas, from \$250,000 to \$500,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment directing the Secretary of War to prepare a list of the bridges in the harbor of Pittsburgh which are an impediment to safe and convenient navigation, the nature and extent of the modifications required in each of them,

etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PRITCHARD submitted an amendment proposing to appropriate \$3,200 for the purchase of a tract of land adjoining the Cherokee Training School property in North Carolina, intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

He also submitted an amendment proposing to appropriate \$5,157.90 to pay Henry W. Spray for care, education, and support of Indian children at the Indian school at Cherokee, N. C., from July 1 to December 31, 1892, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$4,000 for the purpose of settling certain litigations between the Eastern Band of Cherokee Indians and W. H. Thomas, intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

EMPLOYMENT OF MESSENGER.

Mr. FORAKER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Pacific Islands and Porto Rico be, and it hereby is, authorized to employ a messenger, to be paid from the contingent fund of the Senate, at the rate of \$1,440 per annum, until otherwise provided by law.

THE HAY-PAUNCEFOTE TREATY.

Mr. FORAKER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Senate Document No. 85, Fifty-seventh Congress, first session, together with the proceedings had on the treaty known as the Hay-Pauncefote treaty of February 5, 1900, be reprinted.

WILLIAM C. CARSON AND NATHANIEL R. CARSON.

Mr. MCCOMAS. I ask unanimous consent to have a resolution adopted referring a case to the Court of Claims.

The resolution was read, as follows:

Resolved, That the bill (S. 4008) entitled "A bill for the relief of William C. Carson and Nathaniel R. Carson," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

The PRESIDENT pro tempore. The Senator from Maryland asks unanimous consent for the present consideration of the resolution which has just been read.

Mr. COCKRELL. Does that resolution come from a committee?

Mr. MCCOMAS. It is a resolution in respect of a war claim, and it merely proposes to refer the claim to the Court of Claims.

Mr. COCKRELL. Has it been before the Committee on Claims?

Mr. MCCOMAS. I understand there is such a bill in the Committee on Claims.

Mr. COCKRELL. Then let the resolution be referred to that committee.

Mr. MCCOMAS. Very well.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes; in which it requested the concurrence of the Senate.

IMITATION DAIRY PRODUCTS.

The PRESIDENT pro tempore. The Calendar under Rule VIII is in order.

Mr. HALE. Let the Secretary proceed—

The PRESIDENT pro tempore. Was there unanimous consent to take up the oleomargarine bill immediately after the routine morning business?

Mr. PROCTOR. Yes, sir.

The PRESIDENT pro tempore. There was. The Chair lays the bill before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine, and to amend an act entitled "An act defining butter, also imposing a tax upon and

regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

Mr. RAWLINS. Mr. President, I had not intended to make any remarks upon this bill, but as the discussion has proceeded and we are requested by numerous telegrams to vote one way or the other upon the measure, I have concluded to submit as briefly as I can the reasons which will impel me to vote against the bill.

Mr. President, what is the bill? What is the purpose which it is designed to accomplish? Is it a tax bill, a commerce bill, or an attempted exercise of the police power to suppress fraud? As to the last purpose, it is admitted on all sides, I believe, that Congress has no authority to exercise the police power as a primary object to suppress fraud within the States.

The bill can not be maintained as a bill to regulate commerce, because the power of Congress is confined to the regulation of commerce between the States and with foreign countries, and the bill in its operation is designed to extend beyond the limits of that jurisdiction. It applies not merely to commerce within the States, but also, as pointed out by the Senator from Texas [Mr. BAILEY] yesterday, it is to operate upon commerce confined wholly within the limits of a State.

The bill, therefore, can only be sustained, and that is conceded, I think, by those who advocate its passage, as an exercise of the taxing power, and ostensibly upon the face of the bill it is a bill for the purpose of raising revenue. Yet, Mr. President, there is not a Senator, I take it, who will cast his vote in favor of the bill solely upon the ground that it will furnish revenue needed for the support of the Government. Those votes will not be cast for the replenishment of the Treasury. Those who vote for the bill, I take it, will justify themselves in so doing upon the ground that while the measure upon its face and ostensibly purports to be an exercise of the taxing power, incidentally it will have the effect of suppressing what is claimed to be a dangerous and all-pervading fraud.

If I believed that this measure would in some degree contribute to the National Treasury and would at the same time accomplish the purpose which it is claimed it will accomplish, namely, the suppression of fraud as an incidental effect of its operation as a revenue measure, I should be inclined to cast my vote in favor of its passage. Will it have that effect?

What is the mischief which is aimed at in the provisions of the bill? It is claimed that its object is to purge and purify the American market. It is not contended that oleomargarine in and of itself is deleterious or fraudulent. Oleomargarine is admitted to be a fairly good substitute for butter. Yet most people prefer the original to the substitute. Anyone having his choice would take the genuine article of butter rather than oleomargarine.

Oleomargarine resembles butter, and butter resembles ordinarily oleomargarine. Out of this situation grows the duty of the manufacturer or dealer in oleomargarine to disclose to the purchaser the fact that it is not butter, and if he fails to make such disclosure fraud may justly be attributed to him, and it may be provided that he shall be punished by reason of the deception which he undertakes to practice.

But, as I stated, Mr. President, the fraud is not in the article of oleomargarine itself. Whether colored or uncolored it is a wholesome article of food. It serves a useful purpose. Anyone who can not obtain butter would take oleomargarine as a desirable lubricant or article of food. But if he disposes of it, concealing or misrepresenting its real character, he is properly chargeable with the commission of fraud and deception. That is the mischief which it is claimed by the advocates of the passage of this bill will be incidentally suppressed in the imposition and collection of the tax which is provided for.

Will this bill in its operation have any such effect? If I believed it would, I should be inclined to vote for the passage of the bill; but I fail to find anything in the provisions of the bill which will either approximately or remotely, directly or indirectly, tend to the suppression of the fraud, to the destruction of the mischief at which it is asserted by the advocates of the measure it is aimed.

And why will it not and can it not have that effect? The bill simply imposes a tax at the rate of 10 cents per pound upon oleomargarine colored in any shade of yellow in imitation of butter. When the manufacturer or dealer in this article has paid his tax at the rate of 10 cents per pound the bill turns him loose, so to speak, to prey upon a suffering community with absolute immunity. He can color his oleomargarine in imitation of butter. He can put it in such packages as may subserve his purpose. He can dress his agent in the guise of a countryman and send him out upon the market with a basket upon his arm containing this spurious article; and the bill turns him loose to practice his deception without limit or the fear or danger of punishment upon the unsuspecting housewife or upon the suffering community who, it is claimed, are to be protected under the provisions of the bill.

Mr. President, the fact that the payment of the tax leaves the dealer, or the manufacturer, free to practice in any manner he chooses the deception which is so decried here conclusively establishing that this measure does not intend to prevent the mischief which has been so eloquently denounced in this Chamber.

But, Mr. President, while this measure will not tend to prevent fraud, in my judgment it tends to the encouragement of a fraud and to the extension and enlargement of the very mischief which has been so denounced. Let us see. It is said that avarice is the inspiration of the fraud. The avarice is augmented to the extent in this case of 10 cents a pound for every pound of this article which is put upon the market.

If the manufacturers or dealers in this article are disposed to practice fraud at all, more than ever will they have an inducement to go out to the people who desire to purchase good butter and obtain by the practice of deception and false pretenses the highest price for this article which could be obtained for the best grades of butter put upon the market; and if they do this there is no penalty denounced. There is nothing in this bill which inhibits that fraudulent practice, but the party having paid the tax to the Government is immune to practice fraud without limit and without restriction.

Thus, Mr. President, not only does this bill fail in any degree to suppress the mischief at which it is claimed it is aimed, but it is an encouragement to such fraudulent practice, and it becomes itself a party to that crime.

Mr. PROCTOR. Will the Senator from Utah allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Vermont?

Mr. RAWLINS. Yes, sir.

Mr. PROCTOR. I should like to ask the Senator if he does not think that the increase of this tax to 10 cents a pound where it is colored and the reduction to a quarter of a cent a pound when it is uncolored will tend to stimulate production of the genuine uncolored article and to restrict the production of the colored article?

Mr. RAWLINS. I am glad the Senator has propounded that query, because I had it in mind to deal with that very question in the course of the few remarks which I wish to make. I will reach it in a moment.

There is no provision of this bill prohibitive of the fraud. It can not upon its face be made prohibitive of a fraud, because it is not competent for the Federal arm to extend its jurisdiction and exercise a police power, which belongs exclusively to the States. Therefore, not only does the bill not tend to the suppression of the mischief which it is claimed ought to be suppressed, but it is impossible for Congress to undertake, as a primary object, to deal with that mischief, because under our structure of Government it belongs to the States and not to Congress.

But, Mr. President, this bill tends to another result more mischievous than any evil which has been pointed out and decried in this Chamber. When the manufacturer is called upon to contribute to the National Treasury at the rate of 10 cents per pound for each pound of colored oleomargarine put upon the market, he is bound to meet in competition those who are his competitors now, and he is put at a disadvantage in that competition to the extent of the amount of the tax which he is thus compelled to pay and to recoup his losses. If he is inspired with the avarice which it is claimed is the inspiration to the fraud, he will not only have an inducement to practice the fraud and impose the article upon the unsuspecting public as the best grade of butter, when in reality it is not, but he will have the further inducement to degrade the quality of the article and to make that which is now wholesome unwholesome; that which is not deleterious injurious; and in that sense the tendency of this bill and its operations, if passed and put into effect, will be injurious to the public health.

Mr. PROCTOR. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Vermont?

Mr. RAWLINS. Certainly.

Mr. PROCTOR. Then I understand the Senator to admit that there is great opportunity to use deleterious ingredients in the manufacture of this article?

Mr. RAWLINS. I have no doubt that in respect to this article, as in every article of similar character, to anyone so evil-minded there is an opportunity to practice a vile fraud, which ought in some way to be suppressed, and I am desirous of going as far as any Senator legitimately in the exercise of proper power to the suppression of such fraud and such practice, which tend to the injury of the public health.

Mr. President, the manufacturers and dealers in this article contribute the taxes and are then turned loose with an increased inducement, if their practice is the result of avarice, to the extent of 10 cents per pound for each pound they manufacture, to practice to a greater extent the fraud which is complained of, and still another, which is detrimental to the public health.

Now, I come to the very question which the Senator from Vermont propounded to me, and it is a pertinent one in this discussion. It is whether this legislation will tax out of existence colored oleomargarine, or this article, whatever it may be, whether it have color or not. Mr. President, the evil here is not in the article itself. Oleomargarine is not per se fraudulent. The fraud consists in the concealment or misrepresentation of him who undertakes to sell it, and his situation in the market is such that there is devolved upon that person the duty, in good morals, to disclose the character of the article which he sells, because being like butter, and people generally preferring butter, it is a fraud if when he tenders oleomargarine he does not disclose to the purchaser the fact that it is not butter.

If this legislation is designed to destroy and will have the effect of destroying oleomargarine and preventing its manufacture in the future and doing away with it, there will no longer be any subject in relation to which such fraud can be practiced. If that is the effect of this bill, I concede that it will be the suppression of fraud as an incidental effect of a measure, which, upon its face, purports to be for the purpose of replenishing the Treasury.

But, Mr. President, let us examine that question. Are we by the exercise of the taxing power of the Federal Government to destroy any article of property which, in itself, is not deleterious and is wholesome, which serves a useful purpose, which tends to the welfare of the people, because under some circumstances some evil or pernicious person may be guilty of fraud in connection with its disposal or sale? For time out of mind the suppressio veri and the expressio falsi have clustered about that useful and noble animal known as the horse. The fraud, the misrepresentation, or the concealment of the horse dealer have been well understood at all times and everywhere. But will anybody claim that the horse ought to be taxed out of existence because the horse dealer may lie? I think not.

Are we going by the passage of this legislation to establish the principle that the Federal Government will tax out of existence any useful article because there may be somebody who will commit a fraud in relation to it? That is the important question in this case, Mr. President. That is a Pandora's box. Are we to encourage—

Mr. PROCTOR. Mr. President, will the Senator allow me?

Mr. RAWLINS. I yield.

Mr. PROCTOR. I believe we have a law against selling horse flesh for beef, have we not?

Mr. TELLER. A national law?

Mr. RAWLINS. I do not know of any such law. Perhaps the Senator does. But that is just in line with the suggestion I was about to make, that one vicious precedent has a train of evil consequences, the limit of which no man can foresee. If we are to tax oleomargarine, destroy its existence as a useful and wholesome article of food, a desirable lubricant, and a good substitute for butter when we can not get butter, because some person in the market place will commit a fraud in relation to it in disposing of it to the person who desires to obtain butter, we can build up the same argument for the suppression of any other article which is put upon the market. No article of apparel, no machine which serves a useful purpose, nothing which tends to promote civilization and advance the welfare in this mechanical age would be free from the interference.

Mr. President, that brings us back to the vital question in this case. Shall Congress pass laws purporting to be in the exercise of the taxing power, but which are not at all designed for the replenishment of the Treasury, which have no purpose to provide revenue needed for the support of the Government? Shall Congress pervert such power conferred for those specific ends for the purpose of destroying one useful article in order that another article may have freedom from competition in the open market? Are we to so purge and purify the market place according to the eloquent argument of the Senator from Iowa [Mr. DOLLIVER]? If so, where is the limit and what is the restriction upon our power?

Time out of mind sugar has made palatable various articles of food upon our tables, entering largely into the consumption of the people. The original source was the cane, and we looked to the cane fields of the sunny South for the saccharine which should provide for the happiness of our people. By the skill of the chemist, by the ingenuity of those desiring to produce other things new in their nature, but still serving a useful and desirable purpose, this article is now extracted from the beet. Some powerful political influence, taking this statute as an example, may next appeal to us to pass a law in order that it may have the market for the product of the cane field to the exclusion of the product of the beet field.

Next, there are a good many farmers who are engaged in the production of corn. They, perhaps, constitute a majority, and they may come here with a cloud of telegrams and petitions urging Senators and Congressmen to vote in favor of some tax which will give to the producer of corn the market for food to the exclusion of all other cereal products.

Take those things which constitute the apparel of the people. There are various sources of supply for those things which protect us in that way from the inclement weather. The influence of one becomes more potent than another, and it appeals to Congress to exercise the taxing power to encourage the industry which it is engaged in to the exclusion of every competing industry.

Mr. President, this bill confessedly is a bill to destroy a wholesome article which is a good substitute for butter, which anybody would use if he could not get butter, in order to give the market exclusively to the product of the dairy. I can not vote for such legislation.

If the bill proposed a reasonable tax upon oleomargarine, 1 or 2 cents per pound, and in such form that it would make some contribution to the national Treasury, in such a manner as to provide some revenue to supply the needs of the Government, so as to be legitimately sustained as a proper exercise of the taxing power conferred upon Congress under the Constitution, and if in arranging the details for the collection of that tax, and to prevent frauds upon this means of obtaining revenue, devices can be obtained which will enable people buying the article in the open market to identify and know whether it is butter or not butter, if you provide for a stamp tax the stamps to be in such form and to be put upon the article in such small packages that in every case when a package is put upon the market the revenue stamp will disclose that it is oleomargarine and not butter, I would readily vote for such a measure, because it would be a measure which in its primary purpose would be the raising of revenue, and it would have the incidental effect in its administration of supplementing the laws of the States and enabling them to detect any fraud if any person should attempt to commit it in the disposal of the article upon the market.

There is an amendment in the nature of a substitute for this bill which is precisely of that character, and for that substitute I shall cast my vote. That substitute will tend to suppress fraud—I mean the real fraud which is aimed at. The bill aims at an innocent and wholesome article and destroys it. The substitute aims at the fraud committed in respect to the sale of the article and will tend to suppress that fraud. Those who vote for the original measure vote to pervert the taxing power. The bill itself in that sense instead of accomplishing or tending to accomplish the suppression of fraud is itself a fraud, because under the pretense of a tax law it is in reality a discriminating law tending to destroy one industry and to build up another, and is utterly revolutionary and a perversion of the powers which were conferred upon Congress. The substitute is a legitimate exercise of the taxing power, and in its administration has the incidental effect of tending to the suppression of fraud.

How can any man desiring to accomplish the real object which in eloquent terms was depicted here, namely, the suppression of the practice of fraud in the disposal of oleomargarine, cast his ballot for the bill which tends to spread, to extend, and to make all pervading that fraud and in no sense to suppress it, and to add to it another fraud detrimental to the public health, and not vote for a measure which is legitimate in its primary purpose and in its incidental effect intending to prevent the very mischief which is so decried in this Chamber?

Mr. President, the bill is not a tax bill. It is an attempt by a false pretense to exercise power reserved to the States and belonging to them exclusively, a part of the police power, for the suppression of fraud. The bill is a fraud per se, therefore, and not a bill for the suppression of fraud. The substitute is justified for the reasons which I have pointed out.

Mr. President, no wonder Senators upon the other side are evasive and elusive when their intention in regard to this measure is inquired into. The motive of every Senator is inviolable; the motive of his action is inviolable; no one can impugn his motives. Every Senator justifies himself in what he does. But when we scrutinize the purpose in a way in which the courts will not scrutinize it we, each one for himself, have the right to determine the purpose which each has in view in proposing to vote for given legislation. We ask ourselves this question: What answer must each one for himself give?

Here is a dangerous and all-pervading fraud, which ought to be suppressed. Legislation in the States so far has been ineffective for its suppression; legislation by Congress has failed so far to accomplish that desired result. True, a legitimate exercise of the power to regulate commerce will not do it; true, we can not appeal to the exercise of the police power, which belongs exclusively to the States; true, we can not, and we do not in the nature of things, impose this tax for the replenishment of the Treasury as its primary and paramount object. We come to the question, and we, by indirection and by false pretense, do something which will meet the public clamor throughout the country to suppress fraud. Then we have got to meet that question. Our constituents smother us with telegrams and petitions to come to their relief. We justify our consciences by saying, "Yes; we have no right to

do this, but we will do it." But there is one justification for that—

Mr. SPOONER. Will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. RAWLINS. Yes.

Mr. SPOONER. I suppose that means that Senators who oppose this bill obey their consciences, and those of us who are in favor of it palter with ours. Is that what the Senator means?

Mr. RAWLINS. Not for the life of me would I make such an imputation. I would not do it because I am as liable to be affected by such a charge as is the Senator. I do not impute that; but I say to the Senator that in arguing the law of the case we have a right to follow out every premise to its logical conclusion. That does not imply inquisition into any motive of any Senator. I disclaim any such purpose.

I say we are confronted to-day with that very question in the form in which I have put it, the logic of which is as inexorable as fate. So good a lawyer as the Senator from Wisconsin, and other Senators preeminent in that line, will not be questioned about it. They are scarce able to endure the catechism of those who see in this measure not a legitimate exercise of the taxing power.

I have confessed, so far as I am concerned, that if this bill stood upon the basis that it could be legitimately sustained as a revenue measure my vote could be induced for it, though it might not otherwise be given if the bill would have the incidental effect in its administration of suppressing fraud. That, I suppose, is the ground upon which every Senator who votes for this bill will put his vote. I can not see that it can, either remotely or approximately, directly or indirectly, tend to the accomplishment of that purpose in its present form. What is its object? This bill will probably pass; I do not know; but it ought not to pass, in my judgment. If it does pass, it will pass to the tune of the rural ditty:

"Where are you going, my pretty maid?"
"I am going a-milking, sir," she said.

It may accomplish the object so eloquently described by the Senator from Iowa [Mr. DOLLIVER]; it may restore to us the God-given privilege of enabling us to warm our feet in the morning where the cow had lain over night, and it may take some of us back to the halcyon days of frozen toes and the comforting cow pens. Whatever may be its effect in these extraneous matters, whatever else it may do, how it may affect the political destiny of any—and that ought not to be a part of our consideration—I do not know. We are always glad to gratify wishes and respond to the petitions and requests of our constituents. If our constituents were able to give this question thorough consideration and listen to the arguments pro and con, which we are able to listen to here, then they could pass a judgment upon it which would be entitled to far more respect than it is under existing circumstances. I do not see in this a revenue measure; it has no tendency to accomplish the object which these people who importune us desire to see accomplished.

I am impelled from the necessities of the case to cast my vote against the bill, and shall vote in favor of the substitute, as I have outlined.

Mr. TELLER. Mr. President, I understand the Senator from Wisconsin [Mr. SPOONER] has the floor by right. If he desires to take it, I will not proceed now. I only want to occupy a few moments, but I do not wish to interfere with the right of the Senator or that of anyone else.

Mr. SPOONER. I hope the Senator will proceed.

Mr. TELLER. I am not going to spend any considerable time on this bill. I regard this as a revenue bill, because it comes from the House of Representatives with the marks of a revenue bill. While I know that I may discuss the question in my own mind whether it is a proper revenue bill or not, I can not deny but that it will stand the test, if the question is raised in the courts, as to its being a revenue bill. So I do not care about discussing the constitutionality of this measure. I have no doubt the court will hold that this tax is legally and properly laid. The court will not inquire, and can not inquire, and it would not be possible to allow that to be done, as to what particular motive induced the Senate and the House of Representatives to enact this measure.

The avowed declaration outside of the Senate has been uniform, I think, that this is a bill repressive in its purpose. In other words, it is a bill to destroy an industry. Undoubtedly and unquestionably we may do that thing. We may put so heavy a tax upon any article as to prevent its production, and as Congress and nobody else must be the judge of that, it behoves us to consider whether or not it is a proper thing for us to do.

If oleomargarine were a deleterious article, unhealthy and pernicious, we might reach it in two ways—by putting such a tax upon it as would destroy it, or we might reach it under the general interstate-commerce power of the General Government and prohibit its use in commerce, I suppose.

One Senator tells us that this bill will destroy the colored article of oleomargarine, and another Senator tells us that it will actually increase the product. I do not see any influence in this bill to meet the great complaint which has been made so far by every Senator who supports the bill, and that is the complaint that the manufacturers and sellers of this article commit fraud by putting it upon the public as butter when it is not butter.

I sympathize with every attempt to compel the men who manufacture this article to sell it for what it is; but I know, Mr. President, and so does every other Senator here, that the power exists to compel that to be done. We all know it does not exist in the General Government. We have not any power to do it. We have the power to prevent its manufacture, or, if we so choose, to double or treble or quadruple the tax on this colored article of oleomargarine, so that none will be manufactured. The State of Colorado can compel every ounce of it that comes into that State, if the State so desires, to be sold not as butter, but for what it is—oleomargarine.

The Senator from Wisconsin told us that seven States in this Union have declared that it was impossible for them to enforce a provision of their law which compels the people who make this article to sell it for what it is. Why, Mr. President, if that is so, that is a lamentable fact; it is a disgraceful fact; but I want to challenge that statement. It is not the fact. The State may not do it, but there is ample power in the State to do it; and if the provision of law that it shall be sold for what it is is not capable of execution, it is the fault of the State.

While oleomargarine is an article that may deceive the eye, it can not at all deceive the chemist. There are tests that can be applied by every man in his own house to determine whether a given article is butter or whether it is oleomargarine. The test may be applied in every grocery store. Every man who knowingly sells oleomargarine as butter commits a fraud in the States where the law prohibits the article being sold.

Will this bill, when it becomes a law, remove the fraud that has been the subject of continual condemnation in every speech which has been made on this question? I do not believe it will. I do not believe what the Senator from Wisconsin believes that it will compel all the oleomargarine in the country to be manufactured without color. I believe it will practically add 10 cents a pound to all the oleomargarine that is manufactured; and I believe that the men who buy oleomargarine in this country will pay that 10 cents a pound additional. In other words, Mr. President, it is a tax upon consumption. If that has any virtue it is that it reduces the competition between butter and oleomargarine; and that is all there is of it. You have added to a perfectly healthy and useful article of food 10 cents a pound. The men who find themselves unable to buy high-priced butter will find that butter will go up still higher, and they will still buy higher-priced oleomargarine to put upon their tables.

Mr. President, if this vice is so great as to justify legislation of this character, the proper thing for us to do would be to put a tax of 50 cents a pound on oleomargarine, and then there would not be any of it manufactured at all.

It has been very earnestly contended that the fraud is to be destroyed. I want to repeat, Mr. President, that that is a subject as to which this Congress has no control whatever, and which it is under no obligation to consider. That is a thing of which the States in their capacity have absolute and exclusive control.

While under the Constitution this may be a perfectly legitimate law when we shall have enacted it, and the courts may sustain it, because they have no right to consider our motives; yet if oleomargarine is a fraud when it is sold as butter, this bill will be a fraud when it stands upon the statute books, because it is meant for one thing when legally it stands for another.

Mr. President, I am willing to vote at the request of the citizens of my State for the passage of any proper law that will compel the producers of this article to sell it for what it is; and I understand that we have such a law in Colorado. So far as I know, there are no complaints there. I have not received and have not heard of any complaints regarding this matter. The manufacturers may sell elsewhere large quantities of oleomargarine for butter, but I very much doubt whether they do so in my State, where we have proper police laws and where they are properly enforced.

The principle of this bill is vicious. You can, as has been said here—and I shall not elaborate upon it—destroy any industry in this country on the same pretense. In this case I do not believe you will destroy the industry.

I believe there will be just as much oleomargarine manufactured under this law as has been manufactured heretofore, but you will compel every man who buys a pound of it to pay 10 cents a pound additional to the Government when the Government does not need it, and when you have now pending between the two Houses a bill to reduce the excise taxes of this country \$77,000,000 this year, and last year we took off \$40,000,000. Under these circumstances nobody can contend for a single moment

that we need any additional revenue. We now have more revenue standing to our credit to-day than any other nation under the sun, and no nation in the world has as much ready cash on hand as we have got. For the nine months of the present fiscal year we have got a surplus of nearly \$62,000,000. Therefore we do not need this additional revenue, Mr. President. It is an attempt on our part to do by indirection what we can not do directly; to do for the people of the States what the States ought to do for themselves; and if this is half the fraud that it is claimed to be, the States will take care of it, and we need not bother ourselves with it.

Mr. President, I have on my table here to-day the second appeal that has been made to me from Colorado. I have had one appeal from the people who want to buy oleomargarine, who say it is a useful article, and who ask me not to allow this legislation to pass. This morning I got an appeal from the people who make butter. I am always glad to hear from my constituents upon these subjects, but, after all, I shall exercise my judgment upon this matter, and that is, that I ought not to vote for this bill, and I do not intend to vote for it.

Mr. SPOONER and Mr. FORAKER addressed the Chair.

The PRESIDING OFFICER (Mr. PATTERSON in the chair). The Senator from Wisconsin [Mr. SPOONER] is entitled to the floor. Does the Senator from Wisconsin yield to the Senator from Ohio [Mr. FORAKER]?

Mr. FORAKER. Mr. President, I would not take the floor as against the Senator from Wisconsin if it were not entirely agreeable to him—

Mr. SPOONER. I am not holding the floor.

Mr. FORAKER. And if it were not for the fact that I want to speak only briefly.

I have given notice that I shall propose two amendments to this bill; and I wanted at this time, for fear I might not have time enough after the debate has passed under the five-minute rule, to explain why I have offered these amendments, the object of them, and the necessity for their adoption to make this bill satisfactory to myself.

I desire to say, however, before I come to speak of the amendments in the way I have indicated, that I have learned a great deal about oleomargarine since this debate commenced. As other Senators have announced in the progress of the debate, I was originally impressed with the idea that oleomargarine was an unwholesome product; that it was not an acceptable article of food; and, never having had occasion until now to give special attention to the subject, that impression has very largely remained with me. During the progress of this debate, however, I have learned from the investigation that has been made by the committee, the report of which is before us and which I have read, as well as from other sources, that that impression is not well founded. It must be conceded, and it is conceded by all, I believe, or at least practically by all who have participated in this debate, that oleomargarine is a wholesome article of food; that it is a good substitute for butter, and that it is now widely used in all sections of our country. This being the case, I think two provisions in this bill should be changed, or at least modified.

Mr. SIMMONS. May I interrupt the Senator from Ohio?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. FORAKER. Certainly.

Mr. SIMMONS. I should like to ask the Senator from Ohio if, at the time of the passage of the first oleomargarine act in 1886, the sole and only argument used in favor of the enactment of that law was not that oleomargarine was an unhealthy product and injurious to the human system?

Mr. FORAKER. I am not sufficiently familiar with the discussion in connection with that legislation to be able to answer without qualification the question which the Senator from North Carolina has put to me. It is my impression, however, that he is substantially correct in making that statement.

Mr. GALLINGER. If the Senator will permit me, it was my privilege to participate in that debate and cast a vote on that question in another body in 1886. I will say to the Senator from Ohio that that was largely the contention, and to a very considerable extent it was conceded, I think, that the article known as oleomargarine was differently made at that time from what it is at the present time.

Mr. FORAKER. I am very much obliged to the Senator from New Hampshire for giving me the benefit of that information. What he has said, however, is in accordance with the impression I already had about it, that the article was at that time legislated against for the reason suggested by the Senator from North Carolina, in a very large part, at least. But, however that may be—

Mr. HARRIS. If the Senator will permit me, I will suggest that owing to the restrictions and regulations required by that very law the materials used in the manufacture of oleomargarine

have been very much brought up and benefited and improved since that time.

Mr. GALLINGER. That is right.

Mr. FORAKER. I have no doubt that also is true, for certainly it is the fact that oleomargarine, as it is now manufactured and sold in the market is a widely different and much better article of food than it was supposed to be at that time.

Mr. COCKRELL. And just as good as butter so far as purity is concerned.

Mr. FORAKER. The Senator from Missouri says just as good as butter so far as purity is concerned. I am inclined to agree with him about that, and I am inclined to agree with him, not alone because of what has been testified to before the committee, but because of what has been put before us officially. I have before me the table that is furnished by the Director of the Census in Bulletin No. 138, in which he gives us the formulas according to which the different grades of oleomargarine—three in all that he discusses—are manufactured and put upon the market. These formulas certainly sustain all that the Senator from Missouri has stated.

The objection that I have, therefore, to what is here sought to be legislated against is what has been termed the putting of this article upon the market not as oleomargarine, but so much in the similitude of butter as to practice an imposition upon those who want to buy butter. I do not know to what extent that is true. I have no doubt whatever but that it is true to some extent; and I have not any doubt whatever but that to whatever extent it may be true, we ought to correct it if we possibly can.

I ought to say further, before speaking of these amendments, having stated that much as to the general purpose of the bill, that I have not taken the floor for the purpose of discussing the legal questions involved in this legislation or that it gives rise to. There is abundant excuse for that in the fact that the Senator from Wisconsin [Mr. SPOONER] on the one side, and the Senator from Texas [Mr. BAILEY] on the other—not to mention the other Senators who have so ably discussed the legal aspects of the case—have completely covered every legal proposition that has been raised by this proposed legislation. I do not think anyhow, Mr. President, that there is any serious difference of opinion between the lawyers of this Chamber, certainly not judging from that which they have spoken in our presence, as to what is the correct legal view as to each of the propositions involved. But, as I have said, as to that I do not propose to speak. I deem that unnecessary.

What I want to do, desiring to vote for this bill if I can, is to correct its provisions, first, the one found at the bottom of page 2, in the last clause of section 2 of the bill. It has been contended here that under this provision anyone is at liberty to buy oleomargarine, and, after having bought it in its natural condition, color it to suit his own fancy, provided he uses it only in his family, and only allows it to be used in connection with his family by such guests as he may have without compensation in his family. My objection to that has already been stated by others. I think they have correctly pointed out that the effect of that provision will be to subject every family table in this country to a system of espionage, to a visitation from a Government inspector to ascertain, in the first place, whether or not oleomargarine is used; in the second place, whether or not, if used, it is colored to any shade of yellow; and, in the third place, if they find that oleomargarine so colored is being used in that family, whether or not there is any guest there; and, if there be a guest there, whether or not he is a guest "without compensation" or a boarder paying for his board.

I think we ought to so amend the bill as to avoid that very disagreeable result of such legislation. I do not think anybody here wants to have, as a result of this measure, every family table in the land subjected to the visitation of a Government representative or put under the scrutiny of officials of the Government. Therefore I have given notice that I shall move, when the proper time comes for the consideration of amendments, to strike out from line 24, on page 2, the words "and guests thereof" and substitute in lieu thereof the word "table;" so that the clause will read in such a way as to allow a man who has purchased oleomargarine to put it on his family table and have it used there without regard to whether he happens to have a boarder or not, and without liability in any event to inspection and examination by a Government official. I retain the word "family," so that the clause may not be taken advantage of by hotel keepers or by cafés or others where there is a public house or where the table is a place for the public entertainment of guests. I trust that that amendment will be accepted.

The other amendment which I propose to offer is to strike out the words "ingredient or," found at the end of line 25 on page 2, and to strike out the same words where they occur on page 3. The language that I wish to amend is the following:

And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any

ingredient or coloration that causes it to look like butter of any shade of yellow shall also be held to be a manufacturer of oleomargarine within the meaning of said act, and subject to the provisions thereof.

By striking out the words "ingredient or" and inserting the word "artificial," as I should have stated that my amendment provides, the language would read as follows:

And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family and guests thereof without compensation, who shall add to or mix with such oleomargarine any artificial coloration that causes it to look like butter of any shade of yellow shall also be held to be a manufacturer of oleomargarine within the meaning of said act, and subject to the provisions thereof.

The necessity for that is in this: From the bulletin furnished us by the Director of the Census, to which I referred a moment ago, it is shown that in each of the formulas according to which oleomargarine is made there are ingredients used that must of necessity give to it some slight shade of yellow, and I may remark in this connection that in all the cases which have gone to the Supreme Court of the United States the testimony reviewed, or the testimony that was offered and rejected, has been testimony showing, according to the finding of the Supreme Court of the United States, that the natural color of oleomargarine shows some slight shade of yellow. That has been shown, I believe, in every one of the decisions. It must of necessity occur if oleomargarine be made according to these formulas. I will not take the time to read from all of them, but only from the last one:

Formula 3.—High grade.

	Pounds.
Oleo oil.....	100
Neutral oil.....	130
Butter.....	95
Salt.....	32
Color.....	1
Total.....	357½

In other words, 95 pounds out of a total of 357½ pounds of the product is butter itself.

According to the other formulas no butter is used, but cream and milk are used in one and milk in the other, and other ingredients which of necessity would give some slight shade of yellow. That being the case, for us to provide that no ingredient shall be used that will lend any shade of yellow whatever to the color of oleomargarine would be for us to make it impossible for oleomargarine to be made according to any acceptable or known formula now in use, and certainly would make it impossible for it to be manufactured in accordance with the most acceptable formula, that numbered 3, as given in this bulletin by the Director of the Census.

Now, unless we intend absolutely to prohibit the manufacture of oleomargarine we ought not so to provide in our bill as to bring about that result. I understand it is not claimed that the purpose of the bill is to prohibit. If that were the claim, many of us could not support it at all. But it is only to impose a tax on the doing of that thing which may lead to fraud, imposition, and deception. If that be true, if our purpose is to allow it to be made according to these acceptable formulas and sold according to its merit, then we ought not to prohibit the putting in of ingredients which are absolutely necessary to make an acceptable and wholesome product.

For that reason I shall move to amend, as I have already indicated, by striking out the words "ingredient or" and inserting the word "artificial," so that the only thing prohibited by the bill with respect to the matter of color will be the putting into oleomargarine of any artificial coloration. That, I think, ought to be prohibited. I think the manufacturers of the product ought to be allowed to use the other ingredients just as they are using them.

What answer there may be to this I do not know, but from what has been said informally I apprehend it will be urged that some oil will be found that has color in it which would impart more yellow than is now imparted by the ingredients to which I have referred. I do not know whether that is true or not, but whether it is true or not I think we ought to deal with this subject according to the nature of the product as it is disclosed to us by the testimony taken before the committee and by the formulas that have been submitted to us officially as those in accordance with which the product about which we are legislating is manufactured and put upon the market. When we deal with what we have and are acquainted with, we know what we are legislating about.

Mr. COCKRELL. What was the proportion of butter?

Mr. FORAKER. Ninety-five pounds out of a total of 357½ pounds—more than 25 per cent.

Mr. PROCTOR. Will the Senator allow me?

Mr. FORAKER. Certainly.

Mr. PROCTOR. I think that is added as a substitute for cream or milk. I think actually butter is not used to that extent, but the ingredients that make butter are used. It is correct in that respect.

Mr. FORAKER. I am very much obliged to the Senator from Vermont for interrupting me to make the remark he did. He doubtless overlooked the fact that I made the statement that there were three formulas given. I read only the third one, which provided for the use of butter, remarking that butter was not used in the other formulas, but that cream and milk were used in the second and milk only used in the first. I did not read all of them. I did not want to take up so much time, because I begged the indulgence of the Senator from Wisconsin that I might occupy a few moments, and I want to hurry through.

Mr. SPOONER. I want to say to the Senator from Ohio that I do not understand he is speaking by my courtesy.

Mr. FORAKER. I think, perhaps, it is due to all that these formulas, now that so much has been said about them, should be put in the RECORD in their entirety, and I will read them in order that they may be.

Formula No. 1 is known as the cheap grade. It consists of—

	Pounds.
Oleo oil.....	455
Neutral lard.....	255
Cotton-seed oil.....	315
Milk.....	255
Salt.....	120
Color.....	1½

Total..... 1,451½

Out of the total of 1,451½ pounds the Senator will observe that there are 255 pounds of milk. The Senator from New Jersey [Mr. KEAN] suggests that it does not state whether the milk was skimmed or not. I think, it being for the cheap grade, we might safely assume that it had been skimmed. It does not say anything about cream.

Formula No. 2 is denominated "medium high grade," and I desire to call the Senator's attention to this particularly, for I think there is more cream and milk in this formula than would be an offset to the butter in the other.

	Pounds.
Oleo oil.....	315
Neutral lard.....	500
Cream.....	280
Milk.....	280
Salt.....	120
Color.....	1½

Total..... 1,496½

Five hundred and sixty pounds out of the 1,496½ were milk and cream. So it is, as I said a while ago, that to anyone who reads these formulas it must be manifest that necessarily there must be some flavor of butter and some color of yellow. You can not escape it; and if every shade of yellow is to be inhibited and is to make the person producing it a manufacturer within the meaning of this statute and subject his product to a tax of 10 cents a pound, it simply wipes out, without any possibility of escape, the whole manufacture. I do not think anybody wants to do that. I do not. I think it is a wholesome product. I know it is largely used in our State. I know it is kept in most of our groceries. I know it is kept and sold as oleomargarine or butterine, under the various names given to the product, and I know that in most instances it is properly labeled. I know people buy it because they want that product, and use it because, the price being considered, they prefer it to butter. But with these amendments, for the reasons already given, I shall support the measure.

Mr. PENROSE. Mr. President, I desire briefly to place myself on record in favor of this bill. The measure before us for consideration is one that deeply affects the agricultural interests of the entire country, and no section, perhaps, will be more benefited by its passage than my own, Pennsylvania.

The returns of the census of June 1, 1900, show that the live-stock industry of Pennsylvania has a value of \$109,590,426. Of this the dairy industry, counting simply cows kept for milk of the age of 2 years and over, represents a sum of \$29,141,561, and the value of neat cattle, outside of cows kept for milk, amounts to \$13,921,630, making a total for cows and neat cattle in Pennsylvania of \$43,063,191. The value of the production of these animals per year has not yet been computed by the Census Department; but by comparing the number of dairy cows, as given by the census of 1890, with the present census there has been a gain of 16,519 head, an increase of 1.7 per cent. The amount of butter manufactured from these animals amounts to about 90,000,000 pounds per year, and the amount of milk produced to about 440,000,000 gallons. There are at present in Pennsylvania 856 creameries manufacturing butter. In the plant of each of these there is invested an average of \$3,000, which would represent an invested capital of \$2,568,000.

A large number of private dairies, ranging in size from 12 to as many as 75 cows, have also been established, involving a large fixed investment of capital for stables, silos, dairy buildings, and equipment.

The income to the people of my State in a single year from butter alone amounts to between sixteen and eighteen million

dollars, and the milk product, estimated at 8 cents per gallon, represents about \$35,000,000 additional. This immense sum of money is a new product each year, adding this much to the actual wealth of the State annually, and has the advantage of being distributed throughout all of the farm homes of the Commonwealth, going to the support of more than 1,000,000 people who are engaged in agriculture, enabling them to maintain themselves in comparative comfort. If this industry were to be destroyed the loss to the agricultural people of the State would be a calamity, particularly because much of the material that is used in the feeding of these dairy cattle would, if the industry were destroyed, be left on the farmers' hands valueless; and if the butter output were to be supplanted by some other substance, the depreciation in the value of milch cows throughout Pennsylvania would amount to many million dollars, and would involve as well the partial or total loss of the stabling and creamery buildings that are now in use in the prosecution of this industry. A large number of our people also would be thrown out of employment.

This occupation is suited to the strength and attainments of men, women, and children, and, unlike most of the other departments of farm operations, it is continuous throughout the entire year, giving employment to the occupants of farm homes through the winter months, at a time when other farm duties are suspended. The cutting off of this industry would leave a large part of our population in comparative idleness during a considerable portion of the year. Every farmer, therefore, or owner of a cow is directly interested in whatever will affect the dairy industry injuriously, or, in other words, that will make the conditions such that the cost of producing a pound of butter will be greater than the article can be sold for in the market.

Oleomargarine can be manufactured at from 7 to 9 cents per pound, depending upon the quality and fluctuations in the price of the materials that compose it. With the present Government tax of 2 cents added, the total cost of the manufacture is from 10 to 11 cents per pound. This makes it possible for the oleomargarine manufacturer to place his product upon the market at a price below the cost price of butter. The inevitable consequence will be to drive out the butter-making industry from the country, because of its unprofitable character, which, as I have shown, would be a great annual loss to the State, and would result in the still further depopulation of the country districts by destroying an industry which is doing more to sustain agriculture in the Eastern States than any other single line of farm production.

The addition of 10 cents per pound, as proposed in this bill, will raise the cost price of oleomargarine to from 17 to 19 cents per pound, which is about the cost price of manufacturing a good article of butter. This allows these two substances to go upon the market at about the same cost of production, and the effect will be to protect the farming industry against being undersold, and consequently driven out of business by this new product.

If the oleomargarine manufacture gave employment to persons equal in number to those now engaged in the production of butter, and if the profits of the business were distributed amongst this large number of our population, there would not be the same objection to its unrestrained sale that there is under present conditions, in which a single manufacturing establishment, employing from fifteen to twenty persons, is capable of an output greater than that of a hundred thousand farmers, and the profits of their business, instead of being distributed among all of these families, would go into the pockets of one or two already rich individuals or corporations.

The protection of American industry is a well-accepted principle, at least by the political organization to which I belong, and I would be doing violence to my political convictions, as well as injury to the great farming constituency which I represent, if I did not use my utmost endeavors to secure the passage of this bill, which protects farming people in their occupation and at the same time does no injustice to any other person or business.

We have been legislating for the protection of manufacturers for many years, and this is right. It is equally proper that the General Government should protect the farming industry upon the same principle and for the same purpose, namely, the benefiting of American labor and the establishment of comfortable homes for all of our people.

There is also another reason why the oleomargarine manufacturer should be taxed by the General Government. The experience of the dairy and food commissioners of the several States, who have been endeavoring to enforce State laws for the protection of the farming interests in their States, is to the effect that instead of oleomargarine being sold for what it is, and marked so that the purchaser may have knowledge of the substance which he is buying, it is manufactured to resemble butter and is sold as and for butter. It is a fraud upon the consuming public, as well as a menace to a very important branch of agricultural industry. The imposition of a 10-cent tax, to be collected before the article

is permitted to be exposed for sale, will remove in a great degree the temptation to commit this fraud, and will be to that extent in the interest of public morals.

We are not ready to substitute the oleomargarine factory for the butter industry in the State of Pennsylvania.

We are not willing that the profits of our domestic animals shall be taken away from their legitimate sources and given to a select syndicate of capitalists, in order that they may become inordinately rich.

The time has come for Congress to pay attention to the voice of the agricultural people of this country, that has come up here in unmistakable tones calling upon us to protect them against this menace to their existence.

The legislatures of 32 States, representing over 60,000,000 of the people of the United States, have legislated against this oleomargarine fraud, and we are therefore but carrying out the desire of this great constituency when we vote to place a tax of 10 cents per pound upon oleomargarine colored to resemble yellow butter.

Requests have come to me from all of the representative agricultural organizations of my State asking me to support this bill. I also have numerous letters from individual farmers of reputation and influence from all parts of the Commonwealth of Pennsylvania requesting me to support this measure and to use my best efforts to secure its passage. To these requests I have given but one reply, and that is that I shall do all I possibly can to have the bill promptly considered, and that when the proper time would come I would cast my vote in its behalf. I hope, therefore, Mr. President, that the bill will pass without amendment and that it may accomplish all that the great farming interests of this country expect from its enactment into law.

Legislation along the line of the present bill provides protection for the farmer and is therefore in harmony with the principles of the Republican party.

The agriculture of the Eastern States has suffered depression for a number of years, resulting from the liberal policy our Government adopted soon after the close of the civil war in making large grants of public lands to secure the construction of our transcontinental railroads.

The farmers believed at the time that the construction of these roads was necessary to enable the Government to protect her citizens who had at that early date settled along the Pacific coast in case of war with any foreign power. The establishment of the Maximilian Government in Mexico, and the refusal of England to satisfy the Alabama claims for a time threatened trouble with both Great Britain and France, and under these circumstances the loyal farmers of the East were ready to acquiesce in these land grants, although they could but know that it would prove more or less destructive to their own interests.

Immediately upon the completion of these roads agents of the companies engaged in their construction were sent into northwestern Europe, a section inhabited by the most thrifty farmers of the world, and shiploads of emigrants from Scandinavia, northern Germany, and Denmark were brought here and were settled upon these lands, which were sold to them at from \$1.25 to \$2.50 per acre. The result was that within a few years the acreage devoted to the growth of cereals was so greatly increased, followed by a corresponding increase in their product, that the price went down to a point which made it impossible for the Eastern farmer to continue his production upon his high-priced lands, upon which heavy taxes had to be paid.

While this increase in the production of cereals was going on these elements were at work along other lines. The building of these railroads opened up many millions of acres of Government lands for the occupancy of capitalists, who established large stock ranches, the product of which had the same effect upon the prices of sheep, wool, and cattle that the cereal product had upon the price of grain.

In these trying circumstances the Eastern farmer was obliged to turn his attention in other directions and so in many sections the dairy was resorted to as the chief industry of the farm. But even here the Eastern farmer finds no security unless the Government will extend to him the same helping hand that is extended to other industries needing help. A by-product of the immense packing business that has been built up in the West as the result of cheap lands in some instances and Government lands being occupied by individuals in others is brought into our Eastern market, and the dairy farmer again finds himself subject to a competition that he can not successfully meet. He does not object to the competition if the article with which he must compete is sold for what it is. If it is placed upon the market without being colored so as to deceive the consumer the dairyman is content to take his chances. Hence he insists that in addition to the tax "for revenue only" of one-fourth of a cent per pound there shall be a protective tax sufficiently large to enable him to compete with the colored article when it finds its way into the market.

Products of the dairy and those of the poultry yard are the only

two sources from which the farmer is able to realize cash quickly. Butter, milk, poultry, and eggs can be sold daily if desired in the markets. Crops, on the other hand, require much time before they can be marketed.

The history of all nations shows that as the agricultural people prosper so prospers the nation. No nation, however rich or powerful, can afford to neglect the tillers of the soil. Owing to our nation's rapid progress in science and industrial development conditions are constantly changing. The farmers of to-day have to meet many contingencies undreamed of by their forefathers. The vast network of railways brings them into direct competition with distant lands. New inventions lessen the demands for many things and change the current of trade. To protect the people against violent changes which would prove disastrous to our industries should be the object of our Government. Not only the mechanic, the merchant, and the manufacturer but the farmer should be protected. But how can this be done? The manufacturer can be protected by tariffs against disastrous competition of foreign pauper labor; the merchant by laws prohibiting discrimination in freight rates, giving to each an equal chance in the markets of trade and commerce, but these remedies affect the farmer only in a remote degree. But the farmer can be protected in his right to sell the products of the soil as such.

We do not deny the right of anyone to manufacture or sell healthful food products as such, but stringent laws should be enacted and the enforcement thereof placed in the representatives of the farmers themselves against all food adulterations. Perhaps the most conspicuous article in food adulteration, certainly the one of most interest to the farmers of Pennsylvania, is oleomargarine. The Commissioner of Internal Revenue reports for the fiscal year ending June 30, 1899, that there were, in round numbers, 91,000,000 pounds of oleo manufactured in the United States, of which eleven and one-half million pounds were sold in Pennsylvania. In the manufacture of this immense amount only 1.72 per cent of the material used was butter. The rest was composed of different materials—principally animal fat and cottonseed oil—colored, and sold as butter.

Against this imposition the honest farmer and dairyman should be protected, not only by suitable laws but by the appointment of suitable officials who will without fear or favor enforce existing laws.

It may be well to remember that the farmers of the country are among our very best citizens, and there is no class that is more deserving of the considerate care of our lawmaking bodies, both State and national. Their chief organization in this country embraces about 30,000 local granges, with a membership of 1,500,000, embracing the heads of families.

For a number of years their legislative committees have been in Washington during the sessions of Congress. These committees have always been composed of intelligent, conservative gentlemen, showing that the organizations they represent are composed of men who take part in molding the sentiment of the communities to which they belong. They have always favored Government protection where protection is needed, and now that they need protection themselves it is only just that it should be given them. In the State of Pennsylvania the local granges number about 500, with a membership of fully 55,000, principally heads of families. The farmers of Pennsylvania are among the most intelligent and conservative of all the many elements of our population, and in a general way they may be said to constitute the best bulwark of our institutions.

For these reasons, representing as I do one of the greatest agricultural States in all the Union, I heartily favor this bill as it is reported from the Senate committee, and I shall cast my vote for it when it comes up for final passage.

Mr. SPOONER. Mr. President, if any other Senator desires to speak on this bill, in view of the time I have already taken, I will yield the floor.

Mr. CARMACK. I wish to speak about three minutes.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CARMACK. Mr. President, I do not desire to debate this bill, but simply to state my position with respect to it. Some of the Senators supporting the bill have suggested that those of us who oppose it are influenced by our desire to take care of the cottonseed oil industry. I wish to say that in the entire eastern part of my State there is not grown one single stalk of cotton; in the middle section, which is a blue-grass region, the culture of cotton is a very small and rapidly diminishing industry; in many counties of the west there is little or no cotton grown, and the dairy interest in Tennessee largely preponderates over the cottonseed industry.

There are many large dairies and large Jersey cattle farms throughout the whole length of the State of Tennessee, and in the amount of capital invested and the number of people employed, I say the dairy interests are largely more important than the cottonseed oil interest.

It is not for any reason, therefore, of that sort that I oppose

this bill. If I were governed by such considerations I should vote for the bill. I am opposed to it simply because I believe that it is essentially a vicious piece of legislation, that it involves a vicious principle. I believe that this bill is really what oleomargarine is alleged to be, a penal statute colored in imitation of a revenue law. I can not conscientiously vote for any such legislation, and because, and only because, I believe it involves a very bad principle; because I believe it is seeking to use the taxing power not for the purpose of raising revenue, but for the purpose of destroying one industry to help another industry, I am compelled to vote against the bill.

Mr. SPOONER. Mr. President, I spoke unexpectedly and upon a sudden call the other day upon this bill, and I said, as to its constitutionality, about all that I care to say. I do not rise now for the purpose of entering upon any elaborate argument upon it.

I want (and that is one reason I have for asking the indulgence of the Senate) to call attention to two statements, perhaps three, which are made in the minority report, and which have been very much relied upon and very often quoted in all the speeches which have been made in opposition to the bill. One is a statement imputed to Hon. H. C. Adams, dairy and food commissioner of Wisconsin, as follows: "There is no use beating about the bush in this matter; we want to pass this law and drive the oleomargarine manufacturers out of the business."

It is not a matter of much consequence to us, I suppose, when we come as Senators to deal with matters of legislation, what may be said or may not be said before committees in advocacy or in opposition to proposed measures. Those of us who vote against them do so because we, for reasons which are satisfactory to us, are opposed to their passage, and those of us who favor them do so because we think they ought to pass, and not because some person who desires their passage has an ulterior purpose to accomplish by them.

Mr. Adams is a neighbor of mine. He lives in the same city in which I reside. I have known him for a great many years. He is a man of education, of fine ability and of broad views, and all the years I have known him I have not known him under any circumstances to make a statement in regard to which anyone would question his good faith or his word. This statement imputed to him he says he never made. He has stated repeatedly before the committee that he never made it, and I believe him. It is confessed that there was no stenographer present, and I believe the statement that he made this observation rests entirely upon the recollection of the chairman of the House committee.

Mr. MONEY. Will the Senator allow me there?

Mr. SPOONER. Certainly.

Mr. MONEY. Is not the Senator mistaken when he says that no stenographer had taken down that hearing?

Mr. SPOONER. He wrote me a letter which I have at my house in which he says, and he had so stated to me before, that at the time he submitted to the committee the observations of which it is alleged this sentence was a part there was no stenographer present.

Mr. MONEY. Of course I would not contradict a statement made by the Senator nor by his friend, in whom he reposes such confidence, but how does this matter come here reported? It was not reported from a member of the committee.

Mr. SPOONER. I do not know that the matter ever was reported.

Mr. MONEY. As a matter of fact it was reported by a stenographer, and when Mr. Adams returned to the committee and said he did not say it a member said he did say it and the stenographer's notes showed that he did. Now, there may have been a mistake on the part of the stenographer, but, if the Senator will indulge me a moment, it is usual when stenographers take down these hearings that the witnesses themselves revise the stenographer's notes. That has always been the custom. There may have been an exception in this case.

Mr. SPOONER. I am only stating what Mr. Adams says to me, and I have no doubt whatever of the accuracy of his statement as to his utterance of this language. He wrote a letter to Hon. S. S. BARNEY, a member of the House from my State, under date of December 8, 1900, written at the Raleigh, in which he says:

THE RALEIGH,
Washington, D. C., December 8, 1900.

DEAR SIR: In the report of the minority of the Committee on Agriculture upon the Grout bill I am quoted as having said in my testimony before the committee, March 7, 1900: "There is no use beating about the bush in this matter. We want to pass this law and drive the oleomargarine manufacturers out of the business."

The statement is absolutely incorrect. I made no such declaration. I did say that the purpose of the Grout bill was to stop the coloring of oleomargarine in imitation of butter and to destroy that portion of the oleomargarine business which depended for its success upon the deception of the public.

I have never, at any time or place, thought or said that the manufacture and sale of oleomargarine, when not a counterfeit of butter, should be prohibited.

Respectfully, yours,

Hon. S. S. BARNEY,
House of Representatives, Washington, D. C.

H. C. ADAMS.

Mr. President, I have had a great many conversations with Mr. Adams upon the subject of oleomargarine, and the position stated in his letter to Congressman BARNEY is the position which in conversations with me he has always taken upon the subject.

It is said also that Mr. Knight, secretary of the National Dairy Union, wrote a letter to the Virginia Dairyman, dated May 18, 1900, from which an alleged extract is set forth in the minority report. I think Mr. Knight has asked for the production of that letter. I believe he has repeatedly denied before the committee that he ever wrote any such letter, and the letter has never been produced. If I am wrong about that, the Senator from Mississippi, who is more familiar with the details than I am, can correct me.

Mr. MONEY. I can only say about it that the report of the House committee contains a quotation; and if the word of Mr. Knight is good against the honor of the minority who drew up that report and who inserted a falsehood, then it can stand that way. But I certainly must believe that an honorable committee of the other House or of this House would not insert in a report a quotation from a letter with its signature when it was an utter forgery, to the detriment of a gentleman who is here interested in business for his employers.

Mr. SPOONER. I do not impute any such purpose to any member of the committee.

Mr. MONEY. It is either one or the other. There is a conflict.

Mr. SPOONER. But the letter was not given in evidence. No letter has ever been produced, as I understand it, and printed, of this kind signed by Mr. Knight. He demanded the production of the letter, stating that he had never written any such letter. That demand is in several of the hearings, and he tells me that the letter never has been produced.

Mr. MONEY. I for one never heard it contradicted. I heard him ask for the production of the letter.

Mr. SPOONER. So far as the statement imputed here to Governor Hoard is concerned, I take this as fairly representing his position. He is a man of great ability. He has been governor of Wisconsin. He has devoted a great many years to the interests of the dairymen and thoroughly understands this subject. He is fair-minded about this legislation. He has done as much in one way and another to improve the methods of dairying among the farmers of the United States as any man in it. His statement was as follows:

The hoped-for effect of the legislation asked of Congress is not to destroy the oleomargarine industry, but to force it over onto its own ground; to compel it to be made in its own guise and color. Is there anything unjust or unreasonable about this?

With a tax of 10 cents a pound on the counterfeit substitute, we believe the temptation for unjust profits, deceptive sale, dishonorable and dangerous conspiring against law, and fraudulent competition with an honest industry will be greatly modified.

I have had many conversations with Governor Hoard as to his attitude upon this subject. I have never heard him express any opinion different from that which he gave in this statement before the committee.

I only call attention to these things because it is fair to these two gentlemen who live in my State that their version should be presented to the Senate.

Mr. MONEY. Right on the point just passed, if the Senator will allow me, he seeks the truth of this business. The statement was printed in the hearings of 1901. In the hearings of 1902 before the House committee January 13, on page 33, you will find that Mr. SCOTT asked this question of Governor Hoard:

I object just as much as you do to the sale of one product for another product. I was simply asking whether this bill would be demanded if, after its passage, just as much oleomargarine would be manufactured and put on the market as is now manufactured and sold.

That is, if the bill was passed making it white.

Mr. HOARD. In that case, sir, I would come before Congress and demand a still higher rate.

That is just what Mr. Hoard said in one place. Then it goes on:

Mr. HAUGEN. I understood you to say that as a representative of the dairy union you do not advocate this bill for the purpose of stamping out one industry for the benefit of another.

Mr. HOARD. We come here for the purpose of asking that fraud be legislated out of existence.

He had just said if they made as much of it white he would come to Congress and ask for a higher tax.

The CHAIRMAN. When Mr. Adams made the statement that he did make, did he represent the agricultural interests of the State of Wisconsin?

Mr. HOARD. He is the dairy and food commissioner of the State.

The CHAIRMAN. Does he represent the State of Wisconsin when he says he wishes the oleomargarine manufacturers stamped out of business by this law?

This is the stenographer's report. Here is the chairman quoting him:

His language is this: "There is no use beating about the bush in this matter; we want to pass this law and drive the oleomargarine manufacturers out of the business."

That is the end of the quotation.

Whom did he speak for?

Mr. HOARD. I do not think it is fair to ask me in regard to that when Mr. Adams arose in the committee and said that was not the phraseology or meaning of his utterance.

That was in the hearing before the House committee.

The CHAIRMAN. He made the statement.

Mr. WILLIAMS. Undoubtedly he made it.

Now, that was inserted here by the minority of the committee. It was a question, it seems, between the memory of the witness and the memory of the committee, and they were so well satisfied that they put it in the report, and as Mr. Adams had discovered a certain interest, I will say, because he found it was hurting this bill to make any such declaration, I am inclined to take the word of the committee. I have not any personal acquaintance with him and I do not intend to reflect upon anybody.

Mr. SPOONER. It would be very easy for Mr. Adams to be right and very easy for the gentlemen to whom the Senator refers to be entirely sincere. He undoubtedly did speak about taxing the business out of existence. He says as to that, he did not refer to the manufacture and sale of oleomargarine as such, but did refer to taxing out of existence the counterfeit. But I leave that to be determined upon the probabilities and upon the statements.

Mr. MONEY. Mr. President, if the Senator will allow me, there was no question of fraud in the statement of Mr. Adams. He said nothing about fraud or stamping out fraud. I will read it again as printed from the stenographer's notes, which the witness was permitted to correct:

There is no beating about the bush in this matter; we want to pass this law and drive the oleomargarine manufacturers out of the business.

Not the fraud, but the manufacturers. When Mr. Hoard says that Mr. Adams had denied that statement, said it was misunderstood, immediately the chairman and Mr. WILLIAMS, the senior Democratic member of the committee, said he did make it, and they were so confirmed in their opinion that they published it in their report. I do not believe they would have published it in their report if they had believed that it ought not to be there. It is a matter of veracity, at least.

Mr. SPOONER. I have not charged that. Mr. Adams does not charge that.

Mr. MONEY. Of course he makes no charge against anybody. He tries to exculpate himself, and he was not in the attitude of charging people.

Mr. SPOONER. I have heard him make a great many statements on the subject, and he states in the letter his attitude, which he has occupied in conversation with me on the subject. When the Senator says there was no question of fraud, he is certainly mistaken, because there has been a question of fraud all the time. The whole foundation and substance of the agitation for this bill has been the fraud put upon the consumers and upon the dairymen through the sale of oleomargarine colored in the similitude of butter. There have been two phases of this business, as there are now. One is to deal with the product appearing to be what it is, and the other is to deal with the product appearing to be something other than it really is.

Mr. MONEY. Mr. President, if the Senator will permit me, we are not talking about the general question of fraud. I understood the Senator to make a speech upon the ground that he wanted to protect the public from a fraud.

Mr. SPOONER. That is one ground.

Mr. MONEY. That is the way I understood him all the way through, and so I understood others. We are not speaking of that; we are talking about the utterance of this witness, and I am speaking now about the particular part of it which he denied, and that is down here stated and affirmed by the chairman and another member of the committee. There is no mention of fraud in it. I am only speaking now about the correctness of the report, and not upon the question as to whether there is fraud or not.

Mr. SPOONER. Does the Senator say there is no question of fraud in it?

Mr. MONEY. In this remark. We are not talking about fraud.

Mr. SPOONER. In that remark we have to take all he said about fraud in order to get at the matter.

But I leave that, Mr. President. Now, this is not a new departure. There has been, as I said the other day, and as everyone knows, on the statute books since 1886 a tax of 2 cents a pound on oleomargarine with a considerable number of penal and regulatory provisions. The proposition here is to reduce the tax on oleomargarine proper, but to increase the tax on oleomargarine colored as butter. It is idle to spend time in discussing the question upon the evidence whether the present law has been effective to protect the consumers from fraud. It can not be denied that it has been ineffective for that purpose, and the evidence of it is absolutely overwhelming. I referred to one item of evidence the other day. I do not intend to repeat what I then said, but I venture to call again attention to the fact that 32 States of this Union with over 50,000,000 of people have passed laws prohibiting the sale of oleomargarine colored yellow in the similitude of butter, and yet within a single year in violation of the statute there were sold in those States, as shown by the reports of the Commissioner of Internal Revenue, 63,000,000 pounds of oleomargarine colored in the similitude of butter.

The present law has been, I think, although it has brought very considerable revenue to the Government, really an aid in the perpetration of this fraud upon the consumer, because, under the decision in the Leisy case and the case of *Bowman v. The Chicago and Northwestern Railway Company*, it has been generally understood in the States that the police laws were powerless to reach this product imported into the State from another State until the original package had been broken, and when the original package had been broken obviously it has been almost impossible to prevent retail dealers from selling this thing as butter, and for the price of butter, which they knew was not butter.

There has not been as much fraud on the part of the manufacturers, although there has been some. A year or so ago a man was arrested in Chicago—I have his name in the papers here somewhere—who for two years or over had been engaged in manufacturing oleomargarine without paying any license and without paying 2 cents a pound and selling it colored in the similitude of butter. He was arrested, convicted, and fined \$10,000, based upon the number of pounds of oleomargarine which in an illicit way he had manufactured and sold, as nearly as they could get at it.

The evidence shows—almost every health officer, almost every detective, every food commissioner, from Ohio, from Wisconsin, from Pennsylvania, from New York (and some of those men dealt with a thousand cases in which prosecutions were made)—that in almost every instance it was found that the oleomargarine was sold for butter and at the price of butter. I do not intend, Mr. President, to spend any time in going over the evidence except to say that it is absolutely overwhelming and irresistible.

Now, what shall we do? It is proposed to reduce the tax on oleomargarine by this bill, when manufactured and put upon the market for what it is, from 2 cents a pound to one-quarter of a cent a pound. That is a considerable reduction. It is a large concession to the legitimate product. It is proposed alternatively to levy upon the product, when colored in the similitude of butter, a tax of 10 cents a pound.

Does any Senator really seriously mean to contend that the levy of 2 cents a pound upon oleomargarine in the existing law was unconstitutional? The same argument was made as I have stated against its constitutionality in 1886 in this Chamber that is made against it now. It was argued then, as it is argued now, that it is a prostitution of the taxing power of the Government; that we have no power under the Constitution to levy taxes except with the object of obtaining revenue. The Senator from Missouri [Mr. VEST] made as fine a presentation of the argument from that standpoint as I think it possible to do, and a distinguished Senator from Texas, an honorable and able predecessor of the Senator who so ably and brilliantly represents that State in this Chamber now, who spoke yesterday [Mr. BAILEY], made a lawyer-like and, from that standpoint, an exhaustive argument against the constitutionality of that tax.

If there had been no question of fraud in that product, I venture to say that there would have been no proposition to levy a tax upon the product. Some very able lawyers and very good men—men who have a conscience for the law; men who are not willing, at the behest of constituents or yielding to the clamor of any class of people, to forget their obligations to the Constitution—advocated the passage of the existing law and discussed fully the arguments which to-day are made here and which then were made here against the constitutionality of the tax. One of them was Senator Edmunds, concededly a great lawyer as he was a great Senator. I sat where I am standing now and listened to his argument. I have it here and intended to read some sentences from it, but will not.

Another Senator who made an elaborate argument in favor of the constitutionality of the law from the standpoint not simply of the Constitution, but also from the standpoint of conscience, was the great Senator from New York (Mr. EVARTS) whose reputation as a constitutional lawyer was not confined to the United States, but was international. Those Senators found no difficulty whatever, not paltering with conscience, either—none of us do that—in finding justification in the Constitution for this tax of 2 cents a pound. We really do not disagree much on propositions, except that our friends on the other side—and they are sincere about it—practically contend that there is no power to levy a tax under the taxing clause of the Constitution unless the chief or main object is revenue, and that where revenue is not needed to pay the debts of the United States, to provide for the common defense and promote the general welfare, such a tax, while binding in the forum of law, is dishonored in the forum of conscience.

As I said the other day, Mr. President, and I repeat it now, I have never been willing to concede that the power of taxation by the Government is limited solely, or mainly, to the raising of revenue.

Mr. BACON. Will the Senator permit me to ask him a question, solely that I may get his view of it, not for the purpose of entering into the discussion at all?

Mr. SPOONER. Yes, sir.

Mr. BACON. Suppose at the time the bill which is the law now on the statute book was under discussion in this Chamber, when it was discussed by the very learned Senators then as it is now being discussed by the very learned Senator from Wisconsin, had specified in its title and in its body that the purpose of the bill was to prevent fraud in the manufacture of oleomargarine and to regulate it for that purpose—suppose it specified that as the purpose—I want to ask the Senator whether he thinks that in the forum of law that would have been upheld by any court?

Mr. SPOONER. I am not prepared to say that it would not have been.

Mr. BACON. I wanted to get the Senator's view of it, if I could.

Mr. SPOONER. I am not prepared to say it would not have been. The courts could see that one object of it was to raise revenue.

Mr. BACON. But, if the Senator will pardon me, I am speaking of a case where the bill itself specified that that was the only purpose.

Mr. SPOONER. Oh, well, no Congress would pass any such bill as that.

Mr. BACON. If it only specified—

Mr. SPOONER. That would be nonsense.

Mr. BACON. If it only specified that purpose, with due respect to the Senator, it would not be nonsense to say that that was the exclusive purpose. It might be that the Senator would differ from me, but it would scarcely be nonsense.

Mr. SPOONER. No legislature, no Congress would pass a bill imposing a tax and declare on the face of it that it did not expect to raise any tax from it.

Mr. BACON. It might.

Mr. SPOONER. It might?

Mr. BACON. It might put the tax sufficiently high to be prohibitory. Now, I will put it that way, in order to relieve it from the disagreeable position of being nonsensical.

Mr. SPOONER. I did not say the Senator was nonsensical. I said—

Mr. BACON. No; but that the proposition would be nonsensical.

Mr. SPOONER. Yes; if put in a law.

Mr. BACON. I will put it this way to the Senator: Suppose that, instead of imposing a tax of 2 cents, the bill had provided for a tax of 100 cents, and had specified in the title and in the body of the bill that the purpose was to prevent fraud in the manufacture and sale of oleomargarine and to regulate its manufacture for that purpose. That is the proposition, because in that case there would have been no possibility of revenue. It would have been so recognized necessarily that the purpose avowed was the exclusive purpose, to wit, to prevent fraud and to regulate the sale for that purpose. I want to ask the Senator, as I said, not for the purpose of entering into the discussion, because it is getting late, but in such a bill as that, specifying the rate of tax and that purpose, does the Senator think there would have been in the forum of law any court which would have declared that a constitutional act?

Mr. SPOONER. Well, Mr. President, that is an abstract question. I think a very strong argument could be made in favor of it. But I can not conceive of the possibility of any Congress passing such a bill or of any such proposition being brought before a court. If it were, I am not at all certain that a court would declare it unconstitutional.

Mr. BACON. The Senator can very readily see that a bill of that kind might be introduced and become a law for the purpose of destroying an industry in the same way that the 10 per cent tax was levied upon the circulation of State bank bills for the avowed purpose—and the purpose recognized and vindicated by the judgment of the Supreme Court of the United States—so that it is possible that for the purpose of destroying the manufacture of any article Congress might undertake to impose a tax which would effect that end.

Mr. SPOONER. Does the Senator from Georgia think that if the act of Congress imposing a tax—was it 10 or 8 per cent?

Mr. BACON. On State bank bills?

Mr. SPOONER. Yes.

Mr. BACON. Ten per cent and—

Mr. SPOONER. Ten per cent. Does the Senator from Georgia think that if it had been declared in that act that it was the sole purpose of Congress thereby to extinguish State-bank circulation the Supreme Court of the United States would decide it unconstitutional?

Mr. BACON. Most decidedly not; because the Supreme Court decided that that was the purpose, and it could not have decided that any more certainly if it had been avowed than they did decide it as a conclusion drawn from its terms. But the reason why it would not have been unconstitutional, Mr. President, if it had been so avowed, is that the purpose to extinguish was not unconstitutional; but in this case that is the very point of the question

which I am submitting to the learned and honorable Senator. In this case the question is, If that is the purpose, and the sole purpose, to extinguish this manufacture, would it be unconstitutional? That is the very point that I want to bring the Senator to. In the case of the tax on the State-bank bills it was not an unconstitutional purpose, because the purpose was to maintain the national circulation.

Mr. SPOONER. Yes; but Congress had the power to do that directly.

Mr. BACON. Of course; or indirectly, either.

Mr. SPOONER. By prohibition; but, instead of that, Congress did it indirectly, through employing the power of taxation—

Mr. BACON. What it had a right to do directly.

Mr. SPOONER. What it had a right to do directly.

Mr. BACON. That brings us to the very point to which I want to direct the attention of the Senator.

Mr. SPOONER. It will take all my time—

Mr. BACON. I beg pardon. The only thing I wanted to say was that this could not be done constitutionally directly, and consequently it can not be done constitutionally indirectly.

Mr. SPOONER. That begs the question. I think Congress has the power to select, subject only to the limitations in the Constitution, the objects of taxation. I think Congress has the power to select those objects with reference not alone to revenue, but to the general welfare. I think Congress has the power under the Constitution, and has exercised it often, to choose an object of taxation from which it desires that little revenue shall be raised, solely because in the general public interest, in the opinion of Congress, the manufacture or business taxed ought to be discouraged. Congress is free, and the Senator will not deny that, to choose for taxation such objects as it pleases.

Mr. BACON. I can not interrupt the Senator, and so he must not challenge me.

Mr. SPOONER. That statement can not be challenged. The Supreme Court has said that very distinctly in the License Cases (5 Wallace). The court said:

It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution with only one exception and only two qualifications. Congress can not tax exports, and it must impose direct taxes by the rule of apportionment and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject and may be exercised at discretion. But it reaches only existing subjects. Congress can not authorize a trade or a business within a State in order to tax it.

Where Congress has the power to levy a tax upon an article it has the discretion to fix the amount of the tax. No one can dispute that. If it may levy a tax of 2 cents a pound on an article, it may levy a tax of 20 cents a pound on it, and nowhere will anyone be heard to say, in challenge of its constitutionality in a court, either that its object was not revenue, that revenue was not needed, or that the tax was destructive.

Congress may levy one tax upon a product in one form and a different rate of tax upon the same product in another form, guided in that discrimination by the judgment of Congress as to "the general welfare." Those words can not be stricken out of the taxing clause of the Constitution, Mr. President, as practically it is sought to do. Congress may impose a tax or an excise upon opium to be used in the preparation of medicine or to be used as a medicine, and Congress may impose an entirely different tax, and has done it, upon opium manufactured in the United States for smoking purposes. The tax on opium used for a legitimate purpose was comparatively light and, I think, imposed not for revenue, but to give Congress the power to regulate it in order to prevent harm in its use.

But, Mr. President, when Congress came to levy a tax upon opium manufactured in the United States, not imported—if manufactured in Georgia or manufactured in Wisconsin for smoking purposes—it levied a tax of \$10 a pound. Does anyone suppose that was for revenue? Of course it would bring revenue into the Treasury if any opium were manufactured for smoking purposes and discovered; but that was not its object. Its object was to subvert the general interest; the purpose was—and many such taxes can be found, inexplicable upon any other theory, some of which have been in operation for fifty years, and some of which will continue in operation doubtless so long as the Government continues—to levy a tax not for revenue, but to promote the general welfare.

What power had Congress to protect the health of the people of Georgia or of Wisconsin against destruction by this awful habit of opium smoking? Why not have left that entirely to the States? The States undoubtedly have that power; but it was thought wise to have some uniform rule, searching in its character, extending into every State, which would bring under the supervision of the Federal officials this injurious manufacture. So we have a tax at one rate for a legitimate purpose, and for another purpose, harmful, we have a tax at another rate.

Consider again the license tax cases. Does the Senator suppose that Congress had simply revenue in mind when they levied a tax on lottery tickets, first, declaring that there should be a

license fee; and, afterwards, that that might operate to permit, against the laws of the States, the sale of lottery tickets in the States, changing it to a special tax? Was it for revenue?

The State of New York prohibited the sale of lottery tickets. It was a crime there to sell them. There was also a special tax on liquor dealers. Both laws came to the Supreme Court of the United States, and Mr. Evarts, representing the defendants, argued that the object was not revenue, but that it was an attempt upon the part of the Congress of the United States to reap some profit from crime in the States. The court held that it left the States entirely free to prohibit the trade in lottery tickets; that it left the States entirely free to regulate the sale of intoxicating liquors, or to prohibit them; that all the statute meant was that if sales were made in the States of liquor or lottery tickets, the Government of the United States would not prosecute or take account of it so long as the tax was paid. Arguing that question, the court seems to intimate that the effect of such a tax, whether that was its purpose or not, might legitimately be the extinguishment of the traffic, for they say here:

There is nothing hostile or contradictory, therefore, in the acts of Congress to the legislation of the States. What the latter prohibits, the former—if the business is found existing notwithstanding the prohibition—discourages by taxation. The two lines of legislation proceed in the same direction, and tend to the same result. It would be a judicial anomaly, as singular as indefensible, if we should hold a violation of the laws of the State to be a justification for the violation of the laws of the Union.

Mr. BACON. Mr. President—

Mr. SPOONER. I hope the Senator will not interrupt me now.

Mr. BACON. I do not wish to interrupt the Senator, but I was just going to say—

Mr. SPOONER. Well, I yield.

Mr. BACON. Of course we all recognize that law as being applicable to articles which are vicious or unwholesome or unhealthy, or to practices where the agencies of the Government, like the mails, are being used for immoral purposes.

Mr. SPOONER. Mr. President, I am too old foggyish to be able to see that there is no vice in fraud; that it is only a man's stomach which is to be protected; and the Supreme Court of the United States, if you will take the *Plumley* case and put alongside of it the *Schollenberger* case, has held as to this very manufacture two things: one as to it if it is offered for what it is—in its relation to commerce between the States—and another if it is offered for what it is not.

In the *Plumley* case the statute of Massachusetts prohibited the sale, not of oleomargarine which disclosed its own nature, not of oleomargarine which could be identified as such—that was excepted—but of oleomargarine, or the custody of it for sale, wherever it came from, if manufactured in imitation of yellow butter produced from pure unadulterated milk or cream. The court held that the act of Massachusetts was a valid act. Later the Pennsylvania statute, which prohibited the possession for sale of oleomargarine, colored or uncolored, came before the Supreme Court of the United States. The oleomargarine had been brought in, I think, from the State of Rhode Island. What did the court hold about it? The court held that a statute which attempted to prevent the transportation of oleomargarine from State to State in any form was beyond the power of the State. Why? Because they took judicial notice of the fact that oleomargarine was a healthful product, and they said no State can be permitted, in the exercise of its police power, to say that a healthful product shall not enter into commerce between the States.

That was a necessary decision; nobody could question it, because, as I said the other day, if the States were permitted to say what should or should not be transported from State to State the regulatory power of Congress over interstate commerce would be gone. Did that decision conflict in any way with the decision in the *Plumley* case? Not at all. The court held that while a State could not prevent, in the exercise of its police power, the transportation from another State into its boundaries of oleomargarine in its natural color so that it could be identified for what it was, where it was colored in the similitude of butter a State had the power, as protecting the consumers from fraud, to prevent its sale within that State, even though it came from another State. So that in this very case, as to this very product, the Supreme Court of the United States, by these two decisions—and in the *Schollenberger* case, in order to emphasize the distinction, they italicize the words "manufactured in imitation of yellow butter," etc.—decided that one, the article sold for what it is, is a legitimate article of commerce; that no State can prevent its transportation from another State into its boundaries, or its sale after transportation, because the police power of the State can not be used in order to destroy interstate commerce in a healthful article.

On the other hand, they held that where the same article is colored to cheat the eye as well as the sense of smell and taste, to be an easy imposition upon those who want butter, it is in the power—not being a legitimate article of interstate commerce—of the State,

exercising its police jurisdiction, to arrest it and absolutely prohibit it. And so upon that alternative basis, dealing first with the product that is a genuine product, and alternatively with it as a fraud, Mr. President, as Mr. Justice Harlan says it is; and he says it is colored to be a fraud, and I believe it to be—dealing with it in the alternative way, this bill says, substantially, "If you manufacture it so that those who buy it will know what they are buying, a tax of one-quarter of 1 cent a pound is put upon it. If you choose to attempt to evade this tax by making a counterfeit of it, so that it resembles an article which is not taxed by law, and therefore may be sold simply because of its color, without paying the one-fourth of 1 cent a pound, or if you color it—for it comes to that also—so as to be able to perpetrate a fraud upon the consumers, you shall pay 10 cents a pound upon it."

If there is anything unconstitutional about that, Mr. President, I do not see it. I repeat to-day what I said the other day, that a business which comes before Congress with the statement that its life depends upon being permitted to violate the laws of 32 States with comparative impunity, and to unrestrainedly put upon the market an article which looks and tastes and smells like something which it is not, is not much entitled to consideration.

Does the bill interfere or invade in any way the rights of the States? Of course, a State must not be permitted to say what article subject to Federal taxation can be taxed in a State. Does this invade in any way the sovereignty of a State? Does it do so any more than in the case of the Federal liquor tax? The Congress taxes liquor made in Wisconsin. The State of Wisconsin has the power, the Supreme Court say, to prohibit its manufacture within its boundaries. Of course, in that event there would be no tax to be collected from it. So as to oleomargarine. The States, under this law, may prohibit its manufacture colored in the similitude of butter; but if they permit its manufacture colored in the similitude of butter they can not exempt it from the tax imposed by Congress.

The provision in the House bill which the committee have struck out, was intended—I will not say by the man who introduced it, for I do not know who introduced it—to interject into this bill, if it should become a law, a constitutional question upon the basis that it left the States free to authorize or permit its manufacture and sale without tax when colored in the similitude of butter. Of course, if that were its object—and I have some very strong evidence that it was so regarded by those who are fighting this bill—the whole tax here would become invalid the moment a State exercised that power and permitted oleomargarine to be manufactured exempt from the tax imposed by Congress, for the rule of uniformity would thereby be broken; and evidently Congress can not levy a tax and permit any State to make that State an exception to its operation.

I want further to say, Mr. President, that this bill does not in any way shackle a State. It is a concession to the States, as has been generally understood, because up to this time, I believe, it has been generally regarded, that the original-package doctrine has been held to be applicable to this product when it is imported into the States, and that the States have no power, therefore, to regulate it or to interfere with it until the original package is broken. I am not at all certain that that is good law, but it has been so regarded. But under the provisions of this bill that can not be again contended, because, whether necessarily or unnecessarily, this bill applies to oleomargarine the provisions similar to the Wilson law.

I do not know how Senators propose to get away from these two decisions of the Supreme Court of the United States, differentiating from the standpoint of legitimacy and fraud the uncolored oleomargarine and the butter-colored oleomargarine, holding that one, the genuine article, no State can exclude; holding that the other, the illegitimate article, because easily put upon the market for butter, a State has the power to exclude altogether as a fraud.

Mr. President, one word about the substitute bills. I think either substitute—the one proposed by my friend the Senator from Texas [Mr. CULBERSON] or the bill proposed by the minority of the committee—if adopted would perpetuate the very evil which, in part, this bill is intended to remedy, and one thing that makes me suspicious about it is that it is entirely satisfactory to the manufacturers of oleomargarine. Timeo Danaos et dona ferentes. One thing is certain. No man can successfully contend, in my judgment, that it would protect the consumer, the people who patronize the hotels, the boarding houses, the restaurants, and similar places.

Mr. CULBERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. In one moment I will yield the floor.

Mr. CULBERSON. I merely wish to ask a question of the Senator from Wisconsin, and it is this: He says the substitutes, the one introduced by the Senator from Mississippi [Mr. MONEY]

and the one introduced by myself, are entirely satisfactory to the oleomargarine people. I call his attention to the fact that the law officers of the Government, disinterested and impartial, express satisfaction with the same bill, and say that it will reduce the so-called fraud to a minimum and that all the revenue of the Government will be faithfully collected.

Mr. SPOONER. They have been very efficient in collecting revenue for the Government, but remarkably inefficient in enforcing the penal provisions of the law.

Mr. TELLER. I should like to ask the Senator if he thinks it is the business of these Federal officers to enforce any penal provisions?

Mr. SPOONER. Yes. If there are sales in violation of the act of Congress I should suppose it was their duty.

Mr. TELLER. How were they violating the act of Congress if they paid the tax?

Mr. SPOONER. Suppose a man sold without a license or sold without putting on the stamps?

Mr. TELLER. I never before heard of any complaint of that.

Mr. SPOONER. All I have seen from any officer of the Government is the opinion of Mr. Gage. Mr. Gage is a great financier, a man of great ability, and I think he made a magnificent record as Secretary of the Treasury; a credit to the country and an honor to his State. I would accept his opinion upon almost any other subject in the world more quickly than I would upon the proposition which did not come in detail to his knowledge as to whether the substitute would or would not protect the consumer. You provide that it shall be put up in 1 and 2 pound bricks and thereby by law you make it look more like butter; by law you put it in the form of butter, and this scheme of branding in the article itself "oleomargarine" as a protection to the consumer against fraud is to me, with all respect to those who advocate it, simply laughable. Such a brand is easily taken off, and the fact that it had ever been there never could be suspected or detected. This is all I care to say.

Mr. MONEY. Mr. President, the Senator from Wisconsin [Mr. SPOONER] stated that the oleomargarine people are satisfied with the substitute. I wish to say to him that they have not had the privilege of writing it, nor have they been consulted about it. I myself have refused to talk with any of them. I stated at the beginning that I cared nothing for the interest of these people who are trying to make money by taxing others, or for any interest that is trying to make money out of this or any other bill. I am talking for the consumer.

In the few minutes left I wish to settle the question of veracity between Mr. Adams and the minority of the Committee on Agriculture. I sent for Mr. WADSWORTH, the distinguished chairman of the committee, and he says that Mr. Adams made the statement that is reported by them, that it happened that the stenographer was not there that day, and therefore each member of the committee took it down because it was a very bold assertion. Ex-Governor Hoard, in his testimony, says Mr. Adams rose in the committee and said he did not say it. Mr. Adams never reappeared before the committee at all at any time either to contradict that or anything else; but he did say in the Senate committee some time afterwards that they misunderstood him. When Governor Hoard was going over this statement of Mr. Adams, he said that Mr. Adams meant to be understood as saying "fraudulent," and he was reminded by the chairman and Mr. WILLIAMS that he had not said anything about the word "fraudulent."

Mr. President, I acquit Senators of any intention in their motives to vote differently from what they think; I accredit them with designs to protect the country from fraud; but I do not believe there would be any effort here to protect anybody from fraud unless there was an interest behind it which expected to make money out of it. If the men who are lobbying for this bill and who are its original proponents did not expect to make money out of it by destroying a competitor, there would be no intense anxiety here to protect anybody from any fraud.

The Senator alluded to a lobby being here. I have seen only one man about this Capitol opposed to the pending bill, and he is the attorney of the Live Stock Association, who has a right to be here in the interest of his clients. Mr. President, the people who want this legislation are those who expect to make money by suppressing an industry; and, whatever intention may be declared here, we have the declaration of the interested parties, and they tell us, in every instance quoted by myself and by other speakers on this side of the Chamber, that that intention, to use the language of one, is to eliminate this industry from the list of industries.

The Senator from Wisconsin says that Mr. Knight defied anybody to produce the letter he wrote, and he said he did not write the letter. That letter is to-day in the possession of Mr. Bailey, of Kansas, lately a member of Congress, and it could have been produced at any moment if any gentleman felt desirous of seeing it. But in the very last hour of the debate, when my distinguished

friend the Senator from Wisconsin is on the floor, he enters this general denial for Mr. Knight, with no time to produce the letter. The letter is in the possession of Mr. Bailey and can be seen by Mr. Knight or the Senator or any friend, if they desire.

Mr. SPOONER. Did not Mr. Knight enter a denial before the committee?

Mr. MONEY. Yes; but nobody believed him, because the statement was made that the letter could be produced at any time. Mr. Knight was not permitted to enter the room of the Committee on Agriculture of the House at all, because of the attack he made upon the chairman in an attempt to defeat him for reelection by letters written to his constituents; and what was the result? I have just received this dispatch:

Representative WADSWORTH opposed additional taxation, but advocated honest legislation on oleomargarine. His agricultural constituents indorsed him by a larger vote of confidence than before.

That shows how Mr. Knight's letters were accredited in the district of the gentleman from New York, chairman of the committee in the House, a man whose interest in cows and in butter and in land and in farming is larger than that of any other member of Congress in either House. And his honest position is in opposition to this bill, for he is just as much in favor of protecting the country from fraud as is the Senator from Wisconsin or the majority of the committee, or any other man.

We have here a substitute bill offered by the minority which will more effectually prevent fraud than the bill offered by the majority of the committee, and I decline, with my associates, to be put in the category of those who are attempting to protect fraud or impose deceit upon the public. We are just as earnest in our efforts to prevent fraud as any men in the Senate, and we claim the right to do it by our own bill, which will do it without crushing an industry that is lawful and suppressing an article of commerce, declared so by the courts, an article which chemists and scientists say is digestible and nourishing.

The Senator from Wisconsin continually referred to the analysis of one doctor made one year, and that several years ago, and declined to take the table in which the estimate of that scientist appeared, the average of which proves that oleomargarine is more digestible than butter. The table shows it not for one year, but for many years, as the result of experiments made by that scientist through several years as against that one time, and all the others are for several years, low at first, and gradually increasing in digestibility.

There is nothing in this bill to command the support of a man who has convictions that one industry should not be taxed for the benefit of another. So far as the opponents of this bill are concerned, we feel that we have done our duty to the country. We have interposed with all the energy we have, by every means possible to defeat this bill. The country has been showered with printed petitions sent from the Dairymen's Union all over the country, and Senators have been bombarded with telegrams by the thousand. A sort of bullragging has gone on to press men to vote for the bill. I say this because some have told me that they were against the bill, but they have been overwhelmed by telegrams sent by some one here to be repeated to the Senator, and he is compelled to vote for it, and there are others in the same fix, I know.

Mr. HARRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. MONEY. Certainly.

Mr. HARRIS. I hope the Senator will have the fairness to say that we have also been deluged by stereotyped postal cards, telegrams, and petitions on the other side of the question.

Mr. MONEY. I would have said it if I had known it, but I did not know it to be so.

Mr. HARRIS. I state it.

Mr. MONEY. If the Senator states it, I accept his statement; and then we are both and all in the condition that we have been bullragged or threatened with the votes of constituents. I have received such, I know, and I have replied to them that I was not trying to serve the interest of any one class, but that I was for the people and for all, against any class, and as far as my personal political fortunes went that I did not ask their votes, if they did not want to give them to me; that I did not want any conscript or hired men in my camp; that they must be volunteers or none.

Now, of course each Senator must settle it with his conscience; but I know there are going to be a good many wry faces on the other side of the Chamber when they swallow this dose; there is a distaste for this measure. It is very little consolation, however, to the people who are interested, not in asking for a tax for their benefit, but in asking to be let alone, that they may pursue their industry uninterfered with and untaxed for the benefit of other people.

In the case which has been so often quoted, and I am sorry I

can not find it, the court says it is unconstitutional to levy a tax for any but a public purpose, and the courts in hundreds of cases have decided that a public purpose is not the newspaper or common acceptance of the word "public," but governmental, and no man can say this bill was introduced for a governmental purpose. It was introduced simply as the friends and originators of it have declared, that a competitor might be extinguished; that butter might be protected, in addition to the 6 cents protection it enjoys under the tariff law, from a home competition of a lawful industry. As has been said by the chief of all the friends of this bill, if this measure shall not prove to be sufficient as repressive taxation, to use his own language, he will be here next winter with something that will do it.

The PRESIDENT pro tempore. The hour of 3 o'clock has arrived. The bill is in the Senate as in Committee of the Whole and open to amendment.

Mr. HARRIS. I believe I have the consent of the committee to ask that the amendment which I suggested be first acted upon.

The PRESIDENT pro tempore. The Senator from Kansas offers an amendment, which will be stated.

Mr. HARRIS. I will ask that action first be taken on the amendment to the amendment.

Mr. MONEY. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Mississippi will state his parliamentary inquiry.

Mr. MONEY. Is a motion to recommit in order now?

The PRESIDENT pro tempore. A motion to recommit is in order at any time.

Mr. SCOTT. Will the Senator from Mississippi yield to me?

Mr. MONEY. Certainly.

Mr. SCOTT. Mr. President, I move that this bill be recommitted to the committee. In making this motion, I do it for the purpose of having the bill perfected. It is evident that there are many gentlemen upon the floor of the Senate who are undetermined in their own minds as to the proper course to be taken in voting upon this bill, especially when it is not perfected.

The PRESIDENT pro tempore. Debate is not in order—

Mr. SCOTT. I move that the bill be recommitted.

The PRESIDENT pro tempore. The Senator from West Virginia moves that the bill be recommitted to the committee.

Mr. HANSBROUGH and Mr. MONEY called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the senior Senator from Oregon [Mr. SIMON]. If he were present, he would vote "nay" on this motion and I should vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN], who is absent to-day; but by arrangement the pair has been transferred to the Senator from Indiana [Mr. BEVERIDGE], which, I understand, relieves me and allows me to vote as well as the Senator from Montana [Mr. CLARK], who is paired with the Senator from Indiana. I make this announcement as covering all votes. I vote "nay."

Mr. ALLISON (when Mr. DOLLIVER's name was called). My colleague is necessarily absent from the Chamber to-day. On this question he is paired with the senior Senator from Mississippi [Mr. MONEY]. If my colleague were present, he would vote "nay."

Mr. SCOTT (when Mr. ELKINS's name was called). My colleague is absent on account of business. If he were here, he would vote to recommit the bill.

Mr. HALE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. JONES]. The pair has been transferred to the Senator from Massachusetts [Mr. HOAR], which permits the Senator from Alabama [Mr. PETTUS] and me to vote.

Mr. HANSBROUGH (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. DANIEL]. An arrangement has been made whereby that Senator will stand paired on all votes on this measure with the senior Senator from New York [Mr. PLATT], thus allowing the Senator from Idaho and me to vote. I vote "nay."

Mr. BERRY (when the name of Mr. JONES of Arkansas was called). If my colleague were present, he would vote "yea." He is paired with the Senator from Massachusetts [Mr. HOAR] on the motion to recommit.

Mr. MCENERY (when his name was called). I transfer my pair with the junior Senator from New York [Mr. DEFEW] to the senior Senator from West Virginia [Mr. ELKINS] and will vote. I vote "yea."

Mr. MONEY (when his name was called). I am paired with the junior Senator from Iowa [Mr. DOLLIVER]. If he were here, he would vote "nay" and I should vote "yea" on the motion to recommit.

Mr. PETTUS (when his name was called). I have a general

pair with the senior Senator from Massachusetts [Mr. HOAR], but by an arrangement the pair has been transferred to the Senator from Arkansas [Mr. JONES]. The Senator from Maine [Mr. HALE] and I have exchanged pairs, and the senior Senator from Massachusetts [Mr. HOAR] will stand paired with the senior Senator from Arkansas [Mr. JONES]. I will vote. I vote "yea."

Mr. PENROSE (when Mr. QUAY's name was called). My colleague is unavoidably absent. Were he present, he would vote "nay," and upon all other questions concerning this bill he would vote with the friends of the bill.

Mr. TURNER (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I am informed that if he were present he would vote "yea" on this motion, which leaves me at liberty to vote because I will vote the same way. I vote "yea."

The roll call was concluded.

Mr. CLARK of Wyoming. My colleague [Mr. WARREN] is unavoidably absent on account of an affliction in his family. If he were present he would vote "yea" upon this motion, and would vote "nay" on the passage of this bill.

Mr. CLAY. I will transfer my pair with the senior Senator from Oregon [Mr. SIMON] to the senior Senator from Wyoming [Mr. WARREN], and will vote. I vote "yea."

Mr. CLARK of Wyoming. I wish to ask what was the statement made by the Senator from Georgia in relation to my colleague?

Mr. CLAY. I desire to state that I was informed by the Senator from Washington that the senior Senator from Wyoming would vote "yea" if he were present, and therefore I made the transfer.

The result was announced—yeas 35, nays 37; as follows:

YEAS—35.

Aldrich,	Clay,	McLaurin, Miss.	Simmons,
Bacon,	Culberson,	McLaurin, S. C.	Stewart,
Bailey,	Dryden,	Mallory,	Taliaferro,
Bate,	Dubois,	Martin,	Teller,
Berry,	Foster, La.	Millard,	Turner,
Blackburn,	Gibson,	Patterson,	Vest,
Carmack,	Heitfeld,	Pettus,	Wellington,
Clark, Mont.	Jones, Nev.	Rawlins,	Wetmore,
Clark, Wyo.	McEnery,	Scott,	

NAYS—37.

Allison,	Foraker,	Kearns,	Penrose,
Burnham,	Foster, Wash.	Kearns,	Perkins,
Burrows,	Frye,	Kittredge,	Platt, Conn.
Burton,	Gallinger,	Lodge,	Pritchard,
Clapp,	Gamble,	McComas,	Proctor,
Culom,	Hale,	McCumber,	Quarles,
Deboe,	Hanna,	McMillan,	Spooner.
Dietrich,	Hansbrough,	Mason,	
Dillingham,	Harris,	Mitchell,	
Fairbanks,	Hawley,	Nelson,	

NOT VOTING—16.

Bard,	Depew,	Jones, Ark.	Quay,
Beveridge,	Dolliver,	Money,	Simon,
Cockrell,	Elkins,	Morgan,	Tillman,
Daniel,	Hoar,	Platt, N. Y.	Warren.

So the motion to recommit was not agreed to.

Mr. HARRIS. I offer the following amendment.

The PRESIDENT pro tempore. The amendment will be read.

Mr. HARRIS. I ask that the amendment to the amendment shall be first considered. I think that would be the proper course.

The PRESIDENT pro tempore. The Senator has a right to modify his amendment without any vote upon it.

Mr. HARRIS. Very well; then I ask that the amendment as proposed to be amended by me be read.

Mr. COCKRELL. Let the modified amendment of April 1 be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to insert the following in lieu of section 4:

SEC. 4. That for the purpose of this act "butter" shall be understood to mean an article of food as defined in "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886; that "adulterated butter" shall be understood to mean a grade of butter produced by mixing, reworking, reurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter, in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity, and any butter with which there is mixed any substance foreign to butter as herein recognized or understood, with intent or effect of cheapening in cost the product in any way, either through cheaper or inferior ingredients, or with intent or effect of causing the absorption of abnormal quantities of water, milk, or cream: *Provided*, That in case of the addition of animal fats or vegetable oils the product shall be known and treated as oleomargarine, as defined in the aforesaid act approved August 2, 1886.

That "process butter" or "renovated butter" shall be understood to mean a grade of butter produced by mixing, reworking, reurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter, and in which no acid, alkali, nor chemical, nor any substance whatever has been used for the purpose or intent of deodorizing or removing rancidity therefrom, and to which no substance or substances foreign to pure butter has been added with intent or effect of cheapening cost or increasing weight of same.

That special taxes are imposed as follows:

Manufacturers of process or renovated butter and of adulterated butter shall pay \$900 per year, the payment of which shall cover the tax upon the manufacture of both articles. Every person who engages in the production of process or renovated butter or adulterated butter shall be considered to be a manufacturer thereof.

Dealers in adulterated butter shall pay \$48 per year. Every person who sells adulterated butter shall be regarded as a dealer in adulterated butter. And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the person upon whom they are imposed.

That every person who carries on the business of a manufacturer of process or renovated butter or adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than one thousand nor more than five thousand dollars; and every person who carries on the business of a dealer in adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than fifty nor more than five hundred dollars for each offense.

That every manufacturer of process or renovated butter or adulterated butter shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of material and products, shall put up such signs and affix such number of his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than \$500; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

That all adulterated butter shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than 10 pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of adulterated butter shall be in original stamped packages.

Dealers in adulterated butter must sell only original or from original stamped packages, and when such original stamped packages are broken the adulterated butter sold from same shall be placed in suitable wooden or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any adulterated butter in any other form than in new wooden or paper packages as above described, or who packs in any package any adulterated butter in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than \$1,000 and be imprisoned not more than two years.

That every manufacturer of adulterated butter shall securely affix, by pasting, on each package containing adulterated butter manufactured by him a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice.—That the manufacturer of the adulterated butter herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases." Every manufacturer of adulterated butter who neglects to affix such label to any package containing adulterated butter made by him, or sold or offered for sale for or by him, and every person who removes any such label so affixed from any such package shall be fined \$50 for each package in respect to which such offense is committed.

That upon adulterated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of 10 cents per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound, and that upon process or renovated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of one-fourth of 1 cent per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound. The tax to be levied by this section shall be represented by coupon stamps, and the provisions of existing laws governing engraving, issuing, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to the stamps provided by this section.

That the provisions of sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 of "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, shall apply to manufacturers of "adulterated butter" to an extent necessary to enforce the marking, branding, identification, and regulation of the exportation and importation of adulterated butter.

All parts of an act providing for an inspection of meats for exportation, approved August 30, 1890, and of an act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, approved March 3, 1891, and of amendment thereto approved March 2, 1895, which are applicable to the subjects and purposes described in this section shall apply to process or renovated butter. And the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made, at such times as he may deem proper or necessary, of all factories and storehouses where process or renovated butter is manufactured, packed, or prepared for market, and the products thereof and materials going into the manufacture of the same for exportation or transmission from one State to another. All process butter and the packages containing the same shall be marked with the words "Process butter" by marks, label, or brands, in such manner as may be prescribed by the Secretary of Agriculture, and no process or renovated butter shall be shipped or transported from its place of manufacture into any other State or Territory or the District of Columbia, or to any foreign country, until it has been marked as provided in this section.

The Secretary of Agriculture shall make all needful regulations for carrying this section into effect, and shall cause to be ascertained and reported from time to time the quantity and quality of process or renovated butter manufactured, and the character and the condition of the material from which it is made; and he shall also have power to ascertain whether or not materials used in the manufacture of said process or renovated butter are deleterious to health or unwholesome in the finished product, and in case such deleterious or unwholesome materials are found to be used in product intended for exportation or shipment into other States he shall have power to confiscate the same. Any person, firm, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500 or by imprisonment not less than one month nor more than six months, or by both said punishments, in the discretion of the court.

Mr. PROCTOR. Mr. President, the committee agree to this amendment.

Mr. BAILEY. I desire to know if, under the rules of the Senate, it is not necessary first to dispose of the amendments reported by the committee?

The PRESIDENT pro tempore. Not necessarily.

Mr. BAILEY. Very well.

The PRESIDENT pro tempore. The Senator from Kansas said that by an arrangement with the committee he offered this amendment.

Mr. COCKRELL. It will now be subject to amendment?

Mr. HARRIS. Yes; it may be amended.

Mr. MONEY. I offer an amendment as a substitute for the amendment of the Senator from Kansas.

The PRESIDENT pro tempore. The Senator from Mississippi offers an amendment to the amendment, which will be read.

Mr. BAILEY. I do not desire to appear persistent, but I submit it as a parliamentary inquiry if, under the rules of the Senate, the committee amendments were not to be first disposed of? I understood the Chair to reply that the Senator from Kansas stated that he offered it under an arrangement with the committee. Of course no arrangement between the committee and the Senator from Kansas could supersede the rules of the Senate, and I am free to say that if, under the rules of the Senate, the committee amendments must first be disposed of, I should like to have that course pursued.

The PRESIDENT pro tempore. There is no such rule.

Mr. BAILEY. Very well.

The PRESIDENT pro tempore. Ordinarily unanimous consent is asked that the committee amendments shall first receive consideration, and that is generally granted. It was not done in this case, and the bill is open to amendment from the floor by any Senator.

Mr. BAILEY. I remember that on one occasion I submitted an amendment and I was told to wait until the committee amendments had been disposed of. I am simply trying to learn the rules.

The PRESIDENT pro tempore. In that case the committee amendments were considered by unanimous consent obtained in the first place when the bill was brought before the Senate. The Senator from Mississippi offers an amendment to the amendment.

Mr. PROCTOR. Mr. President, the amendment offered by the Senator from Kansas being the most important one, it is thought advisable that it should be first considered, and it is necessary to pursue this course in order to complete the bill in logical order.

The PRESIDENT pro tempore. Does the Senator from Mississippi intend to offer his amendment as a substitute for the amendment just read?

Mr. MONEY. That is what I said—an amendment in the nature of a substitute for the amendment of the Senator from Kansas.

The PRESIDENT pro tempore. The amendment offered by the Senator from Mississippi to the amendment will be read.

The SECRETARY. It is proposed to insert as an additional section, to be known as section 4, the following:

SEC. 4. That for the purpose of this act certain substances, fats, oils, fluids, extracts, mixtures, compounds, and products, including such mixtures and compounds with butter and made in imitation or semblance of butter, shall be designated as "renovated butter," namely, butter which has been melted and its rancidity removed or masked, and which has been regranulated, colored, and prepared in imitation or semblance of genuine butter; or any article or compound produced by taking original packing stock butter, or other butter, or both, and melting the same so that the butter fat can be drawn off or extracted, and then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk products, and rechurning or reworking the said mixture; or in any article or compound produced by mixing or compounding with or adding to natural milk or cream, packing stock or other butter and animal fats, or animal or vegetable oil, or any oleaginous substance not produced from milk or cream; and any article or compound produced by any similar or other process than commonly known as "boiled," or "process," or "ladled," or "tub," or "renovated" butter, with or without common salt, with or without coloring matter, and made to resemble genuine butter. And that all the provisions of this act and the act to which this is an amendment shall apply to the manufacturers and wholesale and retail dealers in renovated butter as defined in this section, and the tax on renovated butter shall be one-fourth of 1 cent a pound, and it shall be subject to all the provisions of existing law applicable to oleomargarine.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. MONEY] to the amendment of the Senator from Kansas [Mr. HARRIS].

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Kansas.

Mr. BACON. Mr. President, I desire to say a word, as I am quite sure one feature of this amendment can not be understood by Senators unless they have examined it carefully, and I think it possibly may have escaped the notice of the author himself.

While the amendment is designed to reach factories engaged in the business of producing the butter which is denominated here either adulterated or renovated butter, under its terms it will reach every farmhouse and will subject every farmhouse in the United States to the espionage of Federal officers to see whether

or not the provisions of the act containing this amendment are being violated. I will call the attention of the Senate to the features of it which will demonstrate that fact very clearly. The time being limited I only call attention very briefly to the second paragraph on page 2 of the proposed amendment, in which process or renovated butter is defined.

That "process butter" or "renovated butter" shall be understood to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter, and in which—

There is no other substance. That is the sole thing. Any housewife—

Mr. SPOONER. That is not all of it.

Mr. BACON. That is all that is necessary to be done. The balance of it is simply exclusive, containing nothing else. If the Senator will examine it he will see that it says—

and in which no acid, alkali, nor chemical, nor any substance whatever has been used for the purpose or intent of deodorizing or removing rancidity therefrom, and to which no substance or substances foreign to pure butter has been added with intent or effect of cheapening cost or increasing weight of same.

That is exclusive.

Mr. SPOONER rose.

Mr. BACON. The Senator will allow me? I have only five minutes.

Mr. SPOONER. Will the Senator refer me to the place where he reads?

Mr. BACON. Page 2, second paragraph.

Mr. COCKRELL. Beginning at line 14.

Mr. BACON. I say that all that part to which the Senator alluded, and which I have just read, is exclusive and not necessary to making it renovated butter. If a housewife shall take two different pats of butter and churn them in milk in order to make it uniform, that will violate the law. I say it would subject every farmhouse in the United States to espionage, to see whether or not the law is being violated, and the penalty is this: If a housewife takes two pats of butter and churns them in milk in order to make them uniform, and that is all that is necessary to be done, she has to pay a license of \$600 a year, and is subject to a fine of not less than \$1,000 or more than \$5,000 if she does it without paying that license of \$600.

I presume that is not the purpose of the Senator from Kansas, but that is what this amendment does, and there is no possibility of escape from the proposition.

Senators will remark the fact that the language is alternative. It is not that she shall do it for the purpose of producing a uniform and purified and improved product; but if she does it for the purpose simply of producing a uniform product, a butter in which there is no suggestion of imperfection or rancidity, if she does it for the purpose of making it a uniform product and improving it, under the provisions of this bill she will be liable to a tax of \$600 a year and a penalty of not less than \$1,000 or more than \$5,000 in case she should do that simple act without having taken out a license.

There are many other things that will follow, but I have not the time to call the attention of the Senate to them and I do not think it is necessary, but certainly this proposed amendment unless amended will work great hardship and subject people to very great penalties without any possible justification.

Mr. HARRIS. Mr. President, I am willing to admit that the objection which the Senator from Georgia suggests might possibly by a somewhat strained construction apply, but I think the matter can be met by the addition of a couple of words on page 3, line 3, where it says:

Every person who engages in the production of process or renovated butter or adulterated butter shall be considered to be a manufacturer thereof.

By inserting the word "for sale," I think it would then meet the objection.

Mr. BACON. Does the Senator mean to say that a housewife can not make butter for sale?

Mr. HARRIS. I say she ought not to make butter in the manner indicated here for sale.

Mr. BACON. That she ought not to take two parts of butter and churn them in milk and sell them, although perfectly sound butter, and that every farmhouse must be subjected to espionage, must be subject to the visits of Federal officers, to see whether or not a proceeding so simple and innocent is being engaged in?

Mr. FORAKER. If the Senator from Kansas will allow me, I suggest that it can be cured in another way, by inserting in line 3, page 3, before the word "production" the words "business of" and changing "production" to "producing," so as to read:

Every person who engages in the business of producing process or renovated butter or adulterated butter shall be considered to be a manufacturer thereof.

Mr. BACON. That would not perfect it. It is a part of the business of the farm.

Mr. FORAKER. What is the suggestion of the Senator from Georgia?

Mr. BACON. I say that would be a part of the business of the housewife who makes 2 pounds of butter. It is just as much her business as the business of the factory that makes a million pounds of the butter.

Mr. FORAKER. I submit there would not be that indefiniteness about the effect of this language if it were put in the way I propose. I think under every fair construction, at least, it would apply only to those people who engage in it as a business in some degree or other. I will suggest that it be made to read:

Every person who engages in the business of producing process or renovated butter, or adulterated butter.

Mr. HARRIS. By adding the words "for sale" after the word "producing" would make it absolutely certain. It would then read:

Every person who engages in the business of producing for sale process or renovated butter, etc.

Mr. BATE. Mr. President, I do not agree with amendments to this bill just offered, either the one by the Senator from Kansas or the Senator from Ohio. They do not relieve the objections to the bill, but make it the more repellent to me. These amendments just offered, if carried out, would bring trouble and mortification to the housewives of our country. If carried into effect, under the operations of this bill, there would be a horde of inspectors hanging around farmhouses, village boarding houses, as well as homes in cities, seeking to implicate and punish good women for making butter and cheese as they had been taught, and as they preferred to make it. Because it concerns the women of our country and their domestic business we should be the more circumspect and deal with it more delicately.

Mr. President, this bill, as stated by the chairman of the Agricultural and Forestry Committee and who has it in charge, is *sui generis*. There is none like it, in this—it proposes to tax a necessary food product, not luxury, for purposes of revenue—not whisky or tobacco or beer, but that which is of daily use and which is a prime necessity and found every day on every breakfast table in the land. Hence it may well be said that such a tax is *sui generis*, for there are none like it. But why this novel, unequal, and unjust tax of products purely local within the State and unknown to interstate-commerce law?

We are told it is for revenue. Have we not an overflowing Treasury, and have we not just repealed the war tax and stopped the collection of millions of dollars because we do not need it? So, to say it is done for revenue is false pretense, and under the circumstances makes it farcical.

It is regarded by the best legal authorities as an unconstitutional tax unless it is levied and collected as revenue. Hence we claim it to be an unconstitutional tax, as the revenue is not wanted, and would be so declared if the real facts could be reached by the courts. To say the least, as it is, it strains the timbers of the Constitution.

It is as unjust as it is unequal. It not only takes the money out of one man's pocket and puts it in the pocket of another man who did not earn it, but in practical operation will destroy one business to build up another. Is this democratic? Does not our political faith favor equal rights to all and special privileges to none? Mr. President, is not this one of the baldest propositions ever made in the Congress of the United States, of "class legislation"? Such as will protect one man at the expense of another, and that man not a foreign importer, but the sufferer a native-born citizen of the United States. Has it not been the creed and faith for more than half a century of the Democratic party to oppose such class legislation, as is shown by the practical operation of a protective tariff?

I can understand why a Republican who voted for the high protective tariff bills which have found place on our statutes and have been preying like vampires on the consumers in this country for more than half a century can vote for this bill with its invidious distinctions, but I fail to see the *political consistency* in an antiprotection Democrat who votes for this bill. I try to be governed by principle in such matters, and I can not go back on a lifetime of antitariff protection and vote to build up the interest of one man by destroying that of his neighbor. This proposes to live on what it destroys.

This, I believe, is the first time in the history of national legislation that a serious effort has been made to virtually tax out of its business relations, aye, out of existence, any useful products of our soil, thus operating not only to destroy one business but to build up another out of its ruins.

It has been the political faith in which I have been reared, and one that I have observed as a Democrat all along the line of my political life, to oppose a high protective tariff, and I beg to say in my judgment there has never been in our national legislation so bold and direct an attempt to build up or destroy domestic interests by high protective tariff, or tax—for tax and tariff are syn-

onymous—as is shown in this bill, for it is unequal, giving an advantage to one citizen over another, its tendency and practical result being to enrich one and impoverish the other. This is an inequality the Government ought not to approve.

One of the curses in these distempered times is the encroachment, as in this instance, of the General Government on the local governments, by Congress overriding State legislation, enlarging the powers of the one and minimizing the powers of the other.

The interstate-commerce clause in the Constitution seems to have opened up with a broader view of late years than ever before, growing out of railroad transportation and extended commercial interest. For this reason we should throw double guards around local rights and keep them as the Constitution intended they should be kept. This encroachment by the general on local government is restless and aggressive.

We see it in the vast and varied increase in internal-revenue laws; we see it in the unity of the currency of the country, making a single standard; we see it in the banking laws, being one vast financial system exclusively under Federal laws, and in touch with each other; we see it in our enlarged and still expanding pension roll. It is recognized in thousands of pension cases, where the pensioner is amply able to take care of himself, but prefers relying on the Government as a means of support—thus losing sight of local interests, and looking alone to the General Government as the nourishing and protecting power of the citizen; we see it by the large increase of our Army, and in substituting regulars for volunteers, and seeking to make it a "standing army."

Farm productions, Mr. President, enter largely into the make-up of this wholesome, healthful, and cheap diet known as oleomargarine. But my time, as I have only five minutes under the present arrangement, forbids my entering that open field of discussion. Money should be raised by taxation only for public purposes. If levied and collected for any other purpose, the tax is, and in law ought to be, void.

This bill is a kind of "Paul Pry." It will have inspectors—in other words detectives—appointed by Federal authority to pry into the household matters of every housekeeper in the land who happens to have a boarder. Thus these detectives or Paul Pry's will keep an eye on the table, and the housekeeper can not exercise her ideas of propriety and economy.

It will increase the number of that most pestiferous class of so-called officeholders, known as inspectors, but really *detectives*, to the annoyance of the domestic household. And pray where will it stop? This opens the gate to a general "food law" by the General Government, with its regulations and penalties, destroying the independence and privacy and sanctity of homes. The States, counties, cities, and towns can and ought to manage such matters and keep the long, meddlesome, and greedy fingers of the United States Government out of the lard cans and butter dishes of the domestic housewife. Such matters should be left to local self-government.

Mr. President, of all the people in the world that I would love to gratify by complying with their requests, and gratify myself by so doing, are those who cultivate the soil, raise their own cattle, make their own butter, and use it on their hospitable boards, as well as sell the surplus as a source of income. It is among such in the blue-grass country of Tennessee that I was born, reared, and educated, and one of the chief pleasures of my now advanced life is the identification of my social relations, my political and personal affiliations, as well as whatever of pecuniary interest I have, with that noble people.

It would please me beyond measure to respond favorably to petitions from them requesting me to vote for this bill; but I shall stand by the faith that has thus far guided my politics, because I believe it right to do so. I will follow the old landmarks of Democracy that favor equal rights to all, and special privileges to none—and favor no tax upon the citizen, save for public purposes.

Mr. President, this patriotic agricultural people of Tennessee, when they know the facts, will have no censure for the exercise of an honest judgment by their Representatives, although they may differ with them. The agriculturists—

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. PROCTOR. I think the best answer to the suggestion of the Senator from Georgia [Mr. BACON] is that the housewife does not re churn and refine her butter. After she has worked the dasher or the rocker for an hour, and the butter has come, she will not touch it again until the cream is ripe and ready to sour. But to remove any possible objection I move, on page 3, line 4, of the amendment of the Senator from Kansas [Mr. HARRIS] to insert after the word "butter," the amendment suggested by the Senator from Ohio [Mr. FORAKER], namely, the words "as a business."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 3, line 4, of the amendment submitted by Mr. HARRIS, after the word "butter," it is proposed to insert "as a business."

Mr. BAILEY. Mr. President, it seems to me that after a bill has been carefully considered by another branch of Congress and sent here containing a provision upon the subject of renovated or process butter the committee of the Senate might well have allowed it to stand. Of course I know they had some good lawyer who advised them to take out that provision, and I suspect I know who advised them to do it, because if this bill had passed with section 4 as it came from the House of Representatives, it would not be worth the paper on which it is written before any court in the land. The only possible way that any court could have sustained the law would have been to say that Congress would have passed the balance of the bill with that fourth section left out. But the Senate is now giving evidence that Congress would not have passed the bill without some provision on the subject of renovated or process butter.

The fourth section is a pure and simple regulation without your usual subterfuge of a tax. I believe the purpose of the bill makes it all unconstitutional, and I wanted to see it passed with a provision in it that would make it unconstitutional on its face. I am free to say that it was for that reason that I did not mention it in the speech which I had the honor to make to the Senate. I wanted to see if, when the vote was taken, the Senate would not vote down the Committee on Agriculture and Forestry and, by defeating its amendment, thus retain this provision. It is now apparent, however, that somebody has advised them that this provision would not stand judicial scrutiny, and in order to escape the Constitution they have assailed the housewives who make butter for sale.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Vermont [Mr. PROCTOR] to the amendment of the Senator from Kansas [Mr. HARRIS].

Mr. BACON. Let the amendment be again stated.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 3, line 4, of the amendment, after the word "butter," it is proposed to insert "as a business."

Mr. HARRIS. The insertion should be after the word "butter" where it last occurs in the line. The word is used twice.

The PRESIDENT pro tempore. The amendment to the amendment will be again stated.

The SECRETARY. In line 4 on page 3 of the amendment of Mr. HARRIS, after the word "butter" where it occurs the second time, it is proposed to insert "as a business;" so as to read:

Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered to be a manufacturer thereof.

Mr. BACON. Upon the amendment of the Senator from Vermont [Mr. PROCTOR] I desire to say simply a word. That amendment does not in any manner cure the difficulty. The housewife who makes 2 pounds of butter a day, and with it provides her little household necessities, is just as much in the business of making that butter as is the renovated or process butter factory that makes several million pounds of it a year; and if the making of 2 pounds of butter a day, carried on regularly, constitutes a business, it will still be subject to the same trouble that I suggested in the beginning, that it will not only subject that particular farmhouse to espionage to see whether or not as a business 2 pounds of butter are being made a day, but it will justify the visit of these officials to every farmhouse in the United States to see whether or not its occupants are engaged in that business.

Mr. President, if Senators, with that proposition before them, are willing to vote for the amendment, I desire that they shall go upon record, and I therefore call for the yeas and nays.

The PRESIDENT pro tempore. On the amendment to the amendment?

Mr. BACON. No, sir; on the amendment itself.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Vermont [Mr. PROCTOR] to the amendment of the Senator from Kansas [Mr. HARRIS].

The amendment to the amendment was agreed to.

Mr. CULBERSON. I offer an amendment in the nature of a substitute for the amendment offered by the Senator from Kansas [Mr. HARRIS]. I desire to say by way of explanation merely—

The PRESIDENT pro tempore. The amendment proposed by the Senator from Texas will be read.

Mr. CULBERSON. It is quite a lengthy amendment, and it has been read. I think I can explain it in a few words.

The PRESIDENT pro tempore. The Senator from Texas.

Mr. CULBERSON. Mr. President, I desire to say that this amendment, in the first place, is an exact copy of what is known as the Wadsworth substitute offered in the House of Representatives. In the next place, it defines renovated butter; and, in order to give Congress jurisdiction of the subject, it levies a tax upon renovated butter of one-fourth of 1 cent per pound. In the third

place, it is an exact copy of that part of the House bill which came to us on the subject of renovated butter. I move it, as I have stated, as an amendment in the nature of a substitute for the amendment offered by the Senator from Kansas.

The PRESIDENT pro tempore. The Secretary will read the amendment proposed by the Senator from Texas [Mr. CULBERSON].

The SECRETARY. It is proposed to insert as a substitute for the amendment of Mr. HARRIS the following:

That sections 3 and 6 of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be amended so as to read as follows:

"SEC. 3. That special tax on the manufacture and sale of oleomargarine shall be imposed as follows:

"Manufacturers of oleomargarine shall pay \$600 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

"Wholesale dealers in oleomargarine shall pay \$480 per annum. Every person who sells or offers for sale oleomargarine in quantities greater than 10 pounds at a time shall be deemed a wholesale dealer therein; but a manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells oleomargarine of his own production only at the place of its manufacture in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"Retail dealers in oleomargarine shall pay \$48 per annum. Every person who sells or offers for sale oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein. And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the persons upon whom they are imposed: *Provided*, That in case any manufacturer of oleomargarine commences business subsequent to the 30th day of June in any year, the special tax shall be reckoned from the 1st day of July in that year, and shall be \$500."

"SEC. 6. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'Oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word 'Oleomargarine' printed on the outside thereof in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put up singly by the manufacturer thereof in such wooden or paper packages or in such wrappers and marked, stamped, and branded with the word 'Oleomargarine' printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'Oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed, and shall sell only from the original crates or boxes in which they receive the pound or 2 pound prints, bricks, rolls, or lumps.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act, or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package, or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than \$100 nor more than \$500 and be imprisoned not less than thirty days nor more than six months, and for the second and every subsequent offense shall be fined not less than \$200 nor more than \$1,000 and be imprisoned not less than sixty days nor more than two years.

"SEC. 6a. Renovated butter is butter produced from inferior, cheap, old, sour, unmerchantable, or rancid butters by washing, mixing with milk, cream, or other milk product, rechurning, recoloring, reworking, melting, chilling, or by any or all of such processes combined, or by any other process. That upon renovated butter which shall be manufactured, made, and sold or removed for consumption or use, there shall be assessed and collected a tax of one-fourth of 1 cent per pound, to be paid by the manufacturer or maker thereof, and any fractional part of a pound shall be taxed as a pound. The tax levied by this section shall be represented by coupon stamps, and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section.

"The Secretary of the Treasury is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time, and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words 'Renovated butter' shall be printed on all packages thereof, in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than \$50 nor more than \$500 and imprisoned not less than one month nor more than six months.

"The Secretary of Agriculture shall make all needful sanitary and other rules and regulations for carrying this section into effect. And no renovated butter shall be shipped or transported from one State to another, or to foreign countries, unless inspected as provided in this section."

Mr. CULBERSON. Mr. President, with a view of offering this as a substitute to the bill as it may be perfected, I withdraw it for the present.

The PRESIDENT pro tempore. The amendment is withdrawn. The question is on the amendment offered by the Senator from Kansas [Mr. HARRIS] as amended.

Mr. BACON. On that amendment I ask for the yeas and nays. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BARD (when his name was called). I am paired with the senior Senator from Nevada [Mr. JONES]; but on this amendment I am informed that if he were present he would vote as I do. I therefore desire to record my vote. I vote "yea."

Mr. CLARK of Montana (when his name was called). I am paired with the junior Senator from Indiana [Mr. BEVERIDGE]; but, as explained by the Senator from Vermont [Mr. DILLINGHAM], it has been arranged that my pair should be transferred to the Senator from South Carolina [Mr. TILLMAN], so that I am at liberty to vote. I vote "nay."

Mr. CLAY (when his name was called). I am paired with the senior Senator from Oregon [Mr. SIMON]. If he were present, I should vote "nay."

Mr. MONEY (when his name was called). I am paired with the junior Senator from Iowa [Mr. DOLLIVER]. I have just received a telegram from him saying that he would vote "yea" on this amendment. If he were present, I should vote "nay."

Mr. PETTUS (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. Under the arrangement that has been made, however, my pair with the Senator from Massachusetts has been transferred to the Senator from Arkansas [Mr. JONES], who was paired with the Senator from Maine [Mr. HALE]. In the absence of the Senator from Maine, however, I withhold my vote.

Mr. PENROSE (when Mr. QUAY'S name was called). My colleague [Mr. QUAY] is unavoidably absent. If he were present, he would vote "yea."

Mr. TURNER (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN], which I shall observe, and refrain from voting.

The roll call was concluded.

Mr. BERRY. My colleague [Mr. JONES of Arkansas] is absent. He has a general pair with the Senator from Maine [Mr. HALE]. I understand, however, that a transfer of pairs has been arranged, so that my colleague stands paired with the Senator from Massachusetts [Mr. HOAR]. If my colleague were present, he would vote "nay."

The result was announced—yeas 44, nays 26; as follows:

YEAS—44.

Aldrich,	Dillingham,	Harris,	Mitchell,
Allison,	Dryden,	Hawley,	Nelson,
Bard,	Fairbanks,	Kean,	Penrose,
Burnham,	Foraker,	Kearns,	Perkins,
Burrows,	Foster, Wash.	Kittredge,	Platt, Conn.
Burton,	Frye,	Lodge,	Pritchard,
Clapp,	Gallinger,	McComas,	Proctor,
Cockrell,	Gamble,	McCumber,	Quarles,
Cullom,	Hale,	McMillan,	Scott,
Deboe,	Hanna,	Mason,	Spooner,
Dietrich,	Hansbrough,	Millard,	Wetmore.

NAYS—26.

Bacon,	Clark, Wyo.	McLaurin, Miss.	Stewart,
Bailey,	Culberson,	McLaurin, S. C.	Taliaferro,
Bate,	Dubois,	Mallory,	Teller,
Berry,	Foster, La.	Martin,	Vest,
Blackburn,	Gibson,	Patterson,	Wellington.
Carmack,	Heitfeld,	Rawlins,	
Clark, Mont.	McEnery,	Simmons,	

NOT VOTING—18.

Beveridge,	Elkins,	Morgan,	Tillman,
Clay,	Hoar,	Pettus,	Turner,
Daniel,	Jones, Ark.	Platt, N. Y.	Warren.
Depew,	Jones, Nev.	Quay,	
Dolliver,	Money,	Simon,	

So the amendment of Mr. HARRIS was agreed to.

Mr. PROCTOR. Mr. President, the adoption of that amendment makes a slight verbal amendment necessary. On page 1 of the bill, at the end of line 3, after the word "imitation," the words "process, renovated, or adulterated" should be added, as the amendment just adopted covers all those different varieties of butter.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Vermont will be stated.

The SECRETARY. On page 1, after the word "imitation," at the end of line 3, it is proposed to insert "process, renovated, or adulterated."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Vermont.

The amendment was agreed to.

Mr. PROCTOR. The same amendment is necessary on page 4, line 21, after the word "oleomargarine," to insert "process, renovated, or adulterated butter."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Vermont will be stated.

The SECRETARY. On page 4, line 21, after the word "oleomargarine," it is proposed to insert "process, renovated, or adulterated butter."

The amendment was agreed to.

Mr. PROCTOR. There is another slight amendment reported by the committee. In line 12, page 3, strike out the word "and" and insert the word "or." The reason for that is this: The section there recapitulates section 8 of the act of 1886, and it quotes it incorrectly. It is "or" in the statute, and by a mistake in another body the word "and" was put in.

The PRESIDENT pro tempore. If there be no objection, the amendment will be agreed to.

Mr. MONEY. One moment before that is done. Is it intended, I should like to ask the Senator from Vermont, that oleomargarine shall be taxed before it is sold?

Mr. PROCTOR. I do not understand the question of the Senator from Mississippi.

Mr. CULLOM. We can not hear the Senator from Mississippi.

Mr. MONEY. As it is now, the bill provides:

That upon oleomargarine which shall be manufactured and sold, or removed for consumption and use, there shall be assessed and collected a tax.

Does the Senator by putting in the disjunctive mean to say that the oleomargarine shall be taxed when manufactured and before it is sold?

Mr. PROCTOR. It should be "for consumption or use."

Mr. MONEY. No; I am speaking of the amendment which the Senator offered, which was to strike out "and" and insert "or."

Mr. PROCTOR. I tried to explain it. It is not an amendment to the law. It is merely leaving the law as it now is in the act of 1886. That is a recapitulation of section 8 of the act.

Mr. MONEY. I beg pardon of the Senator. I was looking at the wrong "and." That is all right.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. COCKRELL. In the amendment of the Senator from Kansas, in line 5, page 3, I move to insert:

Wholesale dealers in adulterated butter shall pay a tax of \$480.

The PRESIDENT pro tempore. Is that an amendment to the amendment which has been agreed to?

Mr. COCKRELL. It is.

The PRESIDENT pro tempore. An amendment to the amendment offered by the Senator from Kansas?

Mr. COCKRELL. To the amendment offered by the Senator from Kansas.

The PRESIDENT pro tempore. Is there objection to the amendment being now made by the Senator from Missouri? The Chair hears none. The Senator from Missouri offers an amendment, which will be stated.

Mr. COCKRELL. "And retail dealers in adulterated butter shall pay \$48 per annum." That is what they pay there now.

The PRESIDENT pro tempore. The Senator from Missouri, by consent, offers an amendment which will be stated.

The SECRETARY. On page 3, after line 5, it is proposed to insert:

Wholesale dealers in adulterated butter shall pay a tax of \$480, and retail dealers in adulterated butter shall pay a tax of \$48 per annum.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

Mr. PRITCHARD. I ask unanimous consent to offer an amendment to be inserted at the end of the amendment of the Senator from Kansas.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent to offer at the present time an amendment to the amendment adopted, which was offered by the Senator from Kansas. Is there objection? The Chair hears none. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the amendment the following:

Provided, That the provisions of this section shall not apply to butter produced in the home of a private family.

Mr. VEST. I should like to understand the effect of the amendment. Does that apply to adulterated butter?

Mr. PETTUS. I ask that the amendment be read in connection with the text.

The PRESIDENT pro tempore. Undoubtedly it does apply to the whole amendment offered by the Senator from Kansas.

Mr. BATE. I ask that it be read again.

Mr. PRITCHARD. I wish to amend the amendment by inserting the words "for use."

The PRESIDENT pro tempore. The Senator from North Carolina modifies his amendment as will be stated.

Mr. PRITCHARD. There is some objection to those words going in. Leave them out.

The PRESIDENT pro tempore. Does the Senator withdraw it?

Mr. PRITCHARD. Yes, sir; I withdraw it.

The PRESIDENT pro tempore. The Senator from North Carolina withdraws his amendment.

Mr. BAILEY. I should like to ask the Senator from North

Carolina if he believes the tax would be uniform when the law taxes everybody except those who make the product at home for sale?

The PRESIDENT pro tempore. The Senator from North Carolina has withdrawn his amendment.

Mr. BAILEY. I know. He attempted to evade it by providing that the tax should not apply to butter made in this way for home consumption. Now, he leaves the amendment to stand, that it shall not apply to the sale of butter at the farm home, we will say, for that is the purport.

Mr. SPOONER. He has withdrawn the amendment.

Mr. BAILEY. No; he only withdraws the suggested amendment to the amendment.

The PRESIDENT pro tempore. The entire amendment has been withdrawn.

Mr. BAILEY. The entire amendment?

The PRESIDENT pro tempore. There is nothing before the Senate.

Mr. PRITCHARD. It is not my purpose to withdraw the entire amendment.

Mr. BAILEY. That is what I understood.

The PRESIDENT pro tempore. The Chair was mistaken, then.

Mr. PRITCHARD. I simply desire to have the amendment voted upon as was originally submitted.

The PRESIDENT pro tempore. The Senator from North Carolina offers an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the amendment offered by the Senator from Kansas the following:

Provided, That the provisions of this section shall not apply to butter produced in the home of a private family.

Mr. BAILEY. If this were State legislation, clearly under the recent decision of the Supreme Court on the Illinois anti-trust law this exemption would render it invalid. While we have no prohibition against Congress denying to any class of citizens the equal protection of its laws, we have another valuable provision which is that in matters of taxation the tax shall be uniform. And just exactly how Congress can tax butter when made by one man and exempt the same kind of butter when made by somebody else passes, as do many other things about this bill, my comprehension.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from North Carolina.

The amendment was rejected.

Mr. FORAKER. I offer the amendments which I send to the desk.

The PRESIDENT pro tempore. The Senator from Ohio offers an amendment which will be stated.

The SECRETARY. On page 2, section 2, line 24, after the word "family," strike out "and guests thereof" and insert "table;" so as to read:

And any person who sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, etc.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 2, section 2, line 25, after the word "any," strike out "ingredient or" and insert "artificial."

Mr. GALLINGER. Let the clause be read as it will read if amended.

The SECRETARY. On page 2, line 25, strike out the words "ingredient or" and insert "artificial;" so that the paragraph will read:

Who shall add to or mix with such oleomargarine any artificial coloration that causes it to look like butter of any shade, etc.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 3, section 3, line 16, after the word "from," insert "artificial;" and in the same line strike out "or ingredient;" so as to read:

When oleomargarine is free from artificial coloration.

Mr. VEST. Mr. President, I did not intend to say a word on this bill. I am utterly opposed to the principle upon which this bill is based and the amendments that have been offered, and when I say "the amendments," I mean upon both sides of the Chamber, because amendments have been offered by my Democratic colleagues which seem to me to ignore the fundamental principle upon which I am opposed to this sort of legislation.

Under the Constitution of the United States the State has the right to regulate all questions of health and morals and the criminal laws that govern. We have been told here that 32 States have attempted to get rid of colored oleomargarine, and ineffectually, and now we are appealed to by certain persons interested in an adverse industry to legislate without regard to the Constitution and without regard to the interstate-commerce clause in order

that colored oleomargarine, which is said to be a fraudulent product, may be prohibited from sale in the open market.

Mr. President, I am not able to see the difference between putting into my stomach colored oleomargarine and butter colored by aniline, made out of coal tar. I am, in my old-fashioned way, utterly unable to comprehend the difference. If any manufacturer of butter who sees proper to color it in order to make it acceptable to the public taste and in order to sell it can, without my knowledge or consent, inject into my stomach a preparation of coal tar, I can not see for the life of me why an oleomargarine manufacturer can not do the same thing.

No Senator pretends to say that this is a revenue bill. The bill itself on its face reduces the tax from 2 cents to one-fourth of 1 cent per pound upon uncolored oleomargarine and imposes a tax of 10 cents upon colored oleomargarine, which is absolutely destructive of all revenue whatever. If any Senator has the hardihood, I should like to hear one of them stand here now and contradict what I say. If anyone will declare that this is a revenue measure, I call his attention to the simple record, open to every man in the United States who can read and chooses to do so. We have just passed a bill almost unanimously in both Houses of Congress taking off \$74,000,000 of taxes, the war taxes; and that bill is now in conference. We have a hundred and fifty million dollars of gold reserve. We have a hundred and seventy-five million dollars of surplus revenue, and during the last fiscal year we had \$59,700,000 more receipts than we had expenditures. I want some Senator to stand here and say to the people of the United States that this is a revenue bill in the face of these facts.

I am opposed to the bill, and I am opposed to the amendment. This is nothing but parliamentary assassination. It is one interest making war upon another. The Senators who advocate this bill know very well that it is parliamentary assassination. They know that when the act comes before the Supreme Court of the United States that tribunal will say, as it did about the act of 1886, "This court must assume that Congressmen have obeyed their oaths to support the Constitution, and that this is a revenue measure." We know it is not, and I leave it to every Senator to consult his conscience and say whether he is observing the Constitution in voting for such a bill. For myself I would not vote for it if every man, woman, and child in this country would ask me to do it. I would not do it if the legislature of Missouri should ask me and demand that I should do it, because it has no right to make me violate the Constitution which I have sworn to support.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Ohio, which has been stated.

The amendment was agreed to.

Mr. HARRIS. I desire to offer an amendment intended to reduce the license fees to be paid by wholesale and retail dealers in uncolored oleomargarine.

The PRESIDENT pro tempore. The Senator from Kansas offers an amendment, which will be stated.

The SECRETARY. On page 3, after line 4, insert the following:

Section 3 of said act is hereby amended by adding thereto the following: "Provided further, That wholesale dealers who vend no other oleomargarine or butterine except that upon which a tax of one-fourth of 1 cent per pound is imposed by this act as amended shall pay \$200, and such retail dealers as vend no other oleomargarine or butterine except that upon which is imposed by this act as amended a tax of one-fourth of 1 cent per pound shall pay \$5."

Mr. PROCTOR. There is no objection to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The committee amendments have not yet been acted upon.

Mr. PROCTOR. There is a committee amendment on page 2.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2 it is proposed to strike out, beginning in line 10, the following:

Provided, That nothing in this act shall be construed to forbid any State to permit the manufacture or sale of oleomargarine in any manner consistent with the laws of said State provided that it is manufactured and sold entirely within the State.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The PRESIDENT pro tempore. There is another committee amendment at the bottom of page 3.

Mr. PROCTOR. The amendment of the Senator from Kansas [Mr. HARRIS] has taken the place of section 4.

Mr. BAILEY. I did not understand that the amendment of the Senator from Kansas was offered as a substitute for that section, because the amendment of the committee was to strike that out, and it will take a separate vote, as I understand it, to dispose of that.

Mr. PROCTOR. I understood that it was offered as a substitute for section 4.

Mr. BAILEY. I venture to say that the stenographer's notes will not sustain that contention.

Mr. MONEY. It was not understood—

Mr. HARRIS. I understood it was accepted by the committee in lieu of section 4, which had been stricken out.

Mr. BAILEY. The committee can not accept it in that way. I distinctly made the point of order in the beginning that the committee's amendments must first be disposed of. I was very courteously informed by the Chair that no such point of order could be made in the Senate; that the bill was open to amendment offered by any Senator; that the committee amendments were pending the same as amendments offered by Senators.

I am a little curious to know why the Committee on Agriculture struck section 4 out of the bill without themselves proposing some amendment on the same subject.

Mr. PROCTOR. The committee struck it out because they considered it entirely inadequate and insufficient, and they were in doubt whether they could prepare in time an amendment that would answer the purpose. They did, however—the bill not coming up—give attention to the matter, and the amendment of the Senator from Kansas was largely prepared by the committee. I polled, I think, nearly all the committee—I remember speaking to the Senator from Mississippi about it—and the committee accepted it in lieu of section 4.

Mr. BAILEY. The Committee on Agriculture, then, reported the amendment striking out section 4, with the understanding that some member of the Senate would offer an amendment on the same subject. Am I to so understand?

Mr. PROCTOR. There was no such understanding at the time the bill was reported, but it was a matter outside of the oleomargarine portion of the bill, and the committee was sure that this provision would not accomplish what it sought to. It would have been inoperative and of very little account.

Mr. BAILEY. The committee had no doubt, however, about the perfect constitutionality of that section?

Mr. PROCTOR. That is a question which the committee did not discuss. It would have been practically inoperative.

Mr. GALLINGER. Will the Senator from Texas permit me for a moment?

Mr. BAILEY. Certainly.

Mr. GALLINGER. If the Senator will turn to the printed amendment proposed by the Senator from Kansas he will find that it reads:

Insert the following in lieu of section 4.

That is the form in which it was sent to the desk and acted upon.

Mr. BAILEY. That may have been the amendment proposed, but it was not the motion voted on. Still, it is a matter of no practical or material importance. I was just curious to know what kind of motive operated upon the mind of the Committee on Agriculture. I regret to know that they happened to do right by mere guess.

Mr. GALLINGER. I would make the point that a motion to insert by way of perfecting the bill takes precedence over a motion to strike out.

Mr. NELSON. The adoption of this amendment in lieu of section 4, as we adopted it, was equivalent to a motion to strike out and insert.

Mr. GALLINGER. Certainly.

Mr. NELSON. And as such, when we adopted it in that form, it was equivalent to a motion to strike out and insert. The first clause in the proposed amendment for section 4 states as follows:

Insert the following in lieu of section 4.

Adopting that was striking out section 4 and inserting this.

The PRESIDENT pro tempore. Is there any further amendment to the original text?

Mr. CULBERSON. I move to amend the bill by striking out, in line 13, page 3, the word "ten" and inserting "five."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Texas will be stated.

The SECRETARY. On page 3, line 13, it is proposed to strike out the word "ten" and insert "five;" so as to read:

That upon oleomargarine which shall be manufactured and sold or removed for consumption and use there shall be assessed and collected a tax of 5 cents per pound, to be paid by the manufacturer thereof.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Texas.

The amendment was rejected.

Mr. MONEY. On behalf of the minority, I submit an amendment as a substitute for the whole bill.

The PRESIDENT pro tempore. The Senator from Mississippi offers a substitute, which will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert the following:

That sections 3 and 6 of an act entitled, "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, be amended so as to read as follows:

"SEC. 1. That special tax on the manufacture and sale of oleomargarine

shall be imposed as follows: Manufacturers of oleomargarine shall pay \$800 per annum. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer thereof.

"Wholesale dealers in oleomargarine shall pay \$480 per annum. Every person who sells or offers for sale oleomargarine in quantities greater than 10 pounds at a time shall be deemed a wholesale dealer therein; but a manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells oleomargarine of his own production only at the place of its manufacture in the original packages to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer on account of such sales.

"Retail dealers in oleomargarine shall pay \$48 per annum. Every person who sells or offers for sale oleomargarine in quantities not greater than 10 pounds at a time shall be regarded as a retail dealer therein.

"SEC. 2. That all oleomargarine shall be put up by the manufacturer for sale in packages of 1 and 2 pounds, respectively, and in no other or larger or smaller package; and upon every print, brick, roll, or lump of oleomargarine, before being so put up for sale or removal from the factory, there shall be impressed by the manufacturer the word 'Oleomargarine' in sunken letters, the size of which shall be prescribed by regulations made by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury; that every such print, brick, roll, or lump of oleomargarine shall first be wrapped with paper wrapper with the word 'Oleomargarine' printed thereon in distinct letters, and said wrapper shall also bear the name of the manufacturer, and shall then be put by the manufacturer thereof in such wooden or paper packages or in such wrappers and marked, stamped, and branded with the word 'Oleomargarine' printed thereon in distinct letters, and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, and the internal-revenue stamp shall be affixed so as to surround the outer wrapper of each 1 and 2 pound package: *Provided*, That any number of such original stamped packages may be put up by the manufacturer in crates or boxes, on the outside of which shall be marked the word 'Oleomargarine,' with such other marks and brands as the Commissioner of Internal Revenue shall, by regulations approved by the Secretary of the Treasury, prescribe.

"Retail dealers in oleomargarine shall sell only the original package to which the tax-paid stamp is affixed.

"Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine otherwise than as provided by this act or contrary to the regulations of the Commissioner of Internal Revenue made in pursuance hereof, or who packs in any package any oleomargarine in any manner contrary to law, or who shall sell or offer for sale, as butter, any oleomargarine, colored or uncolored, or who falsely brands any package, or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for the first offense not less than \$100 nor more than \$500 and be imprisoned not less than thirty days nor more than six months; and for the second and every subsequent offense shall be fined not less than \$200 nor more than \$1,000 and be imprisoned not less than sixty days nor more than two years."

Amend the title so as to read: "A bill to amend sections 3 and 6 of an act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, and also to define manufacturers and dealers and to provide for the payment of special taxes by them."

Mr. MONEY. Mr. President, the minority have submitted this substitute for the bill of the majority with the belief that it is a more effective preventive of fraud and deceit in the sale of oleomargarine as a substitute for butter than the bill of the majority. I do not see how anybody can view it otherwise. It is devoid of repressive taxation, of any discrimination, of injury to any industry in the world. It is simply a preventive measure intended to regulate the manufacture and sale of this article of daily food familiar to the people in order to protect the consumer from any imposition on the part of the retail or wholesale dealer or manufacturer.

In our opinion it will meet the demand of the people who honestly want to prevent fraud and who do not wish to tax one industry for the benefit of another. In the opinion of the minority there are millions of people in this country who knowingly ask for oleomargarine and who use it understanding exactly what it is. I have now before me scores of letters and telegrams from working people all over this country, from almost every State in it, especially from the large cities, from labor organizations, saying that they know what they are doing, and they do not want protection except from the bill; that they want something that will prevent fraud if it is necessary, but for themselves they ask for oleomargarine, and they want it.

This, in my opinion, will be a test of the sincerity of those gentlemen who profess to see in this bill only a preventive measure, and of those, on the contrary, who, instead of trying to prevent fraud, are trying to repress an industry, in fact, to extinguish it, not that we care so much for the interest of the manufacturers of oleomargarine as we do for the interest of thousands of consumers who are able to buy oleomargarine and are not able to buy butter.

On agreeing to this amendment I shall ask for the yeas and nays.

Mr. TELLER. Mr. President, I shall vote for this amendment, but before I do so I want to say that I vote for it only because it is less vicious than the one it is intended to displace. If it stood as an independent proposition there are things in it that I should not approve of and should not vote for.

Mr. MONEY. I will say, if the Senator will allow me, that I am exactly in his position. I stated that in the speech I had the honor to submit to the Senate in opening the debate.

Mr. BATE. Although I have signed the minority report I want to say the same thing. I do not agree with it entirely. I did it as the best I could get.

Mr. BAILEY. Mr. President, I simply rise to say that I shall

very cheerfully vote for this substitute as against the pending bill, but of course I would vote against the enactment of any measure by the Federal Congress intended to deal with deceitful practices in trade.

Mr. BACON. Mr. President, I desire to say, not only as to this amendment, but as to all others, that while I shall vote for such of them as I think would be less objectionable than the pending bill, if either of them was the bill upon its passage I would vote against it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. MONEY].

Mr. BACON. Let us have the yeas and nays.

Mr. MONEY. I asked for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BARD (when his name was called). I am paired with the senior Senator from Nevada [Mr. JONES]. If he were present, I should vote "nay."

Mr. CLAY (when his name was called). I again announce my pair with the senior Senator from Oregon [Mr. SIMON]. If he were present, I should vote "yea" and he would vote "nay."

Mr. ALLISON (when Mr. DOLLIVER's name was called). I desire to again state that my colleague [Mr. DOLLIVER] is absent necessarily to-day from the Senate. If he were here, he would vote "nay."

Mr. HALE (when his name was called). I have a general pair with the Senator from Arkansas [Mr. JONES]. My pair has been transferred to the Senator from Massachusetts [Mr. HOAR]. The Senator from Arkansas would vote "yea;" I vote "nay."

Mr. PENROSE (when Mr. QUAY's name was called). My colleague [Mr. QUAY] is unavoidably absent. Were he present, he would vote "nay."

Mr. TURNER (when his name was called). I again announce my pair with the senior Senator from Wyoming [Mr. WARREN] and refrain from voting.

The roll call was concluded.

Mr. MONEY. I am paired with the junior Senator from Iowa [Mr. DOLLIVER]. If he were present, he would vote "nay" and I should vote "yea."

The result was announced—yeas 29, nays 39; as follows:

YEAS—29.

Aldrich,	Clark, Wyo.	McLaurin, S. C.	Stewart,
Bacon,	Culberson,	Mallory,	Taliaferro,
Bailey,	Dubois,	Martin,	Teller,
Bate,	Foster, La.	Patterson,	Wellington,
Berry,	Gibson,	Pettus,	Wetmore.
Blackburn,	Heitfeld,	Rawlins,	
Carmack,	McEnery,	Scott,	
Clark, Mont.	McLaurin, Miss.	Simmons,	

NAYS—39.

Allison,	Fairbanks,	Hawley,	Nelson,
Burnham,	Foraker,	Kean,	Penrose,
Burrows,	Foster, Wash.	Kearns,	Perkins,
Burton,	Frye,	Kittredge,	Platt, Conn.
Clapp,	Gallinger,	Lodge,	Pritchard,
Cullom,	Gamble,	McComas,	Proctor,
Deboe,	Hale,	McCumber,	Quarles,
Dietrich,	Hanna,	McMillan,	Spooner,
Dillingham,	Hansbrough,	Mason,	Vest.
Dryden,	Harris,	Mitchell,	

NOT VOTING—20.

Bard,	Depew,	Jones, Nev.	Quay,
Beveridge,	Dolliver,	Millard,	Simon,
Clay,	Elkins,	Money,	Tillman,
Cockrell,	Hoar,	Morgan,	Turner,
Daniel,	Jones, Ark.	Platt, N. Y.	Warren.

So the amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Shall the question on concurring in the amendments be taken on them in gross? The Chair hears no objection. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. Shall the bill pass?

Mr. PETTUS. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BARD (when his name was called). I am paired with the senior Senator from Nevada [Mr. JONES]. If he were present, I should vote "yea."

Mr. CLAY (when his name was called). I announce my pair with the senior Senator from Oregon [Mr. SIMON]. If he were present, he would vote "yea" and I should vote "nay."

Mr. MARTIN (when Mr. DANIEL's name was called). My colleague [Mr. DANIEL] is unavoidably absent from his seat. If he

were present, he would vote "nay." He is paired on this vote, and has been paired on all the amendments voted on to-day, with the senior Senator from New York [Mr. PLATT].

Mr. SCOTT (when Mr. ELKINS's name was called). My colleague [Mr. ELKINS] is unavoidably absent from the city. If he were here, he would vote "nay." A pair has been arranged with the junior Senator from New York [Mr. DEPEW], who, I understand, would vote "yea" if present.

Mr. HALE (when his name was called). I have a general pair with the Senator from Arkansas [Mr. JONES]. That is transferred to the Senator from Massachusetts [Mr. HOAR]. I vote "yea." The Senator from Arkansas would vote "nay" if present.

Mr. MONEY (when his name was called). I am paired with the junior Senator from Iowa [Mr. DOLLIVER]. If he were present, he would vote "yea" and I should vote "nay."

Mr. PENROSE (when Mr. QUAY's name was called). My colleague [Mr. QUAY] is unavoidably absent. Were he present, he would vote in favor of the bill on its final passage.

Mr. TURNER (when his name was called). I again announce my pair with the senior Senator from Wyoming [Mr. WARREN] and refrain from voting.

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably absent. If he were present, he would vote "nay."

The roll call having been concluded, the result was announced—yeas 39, nays 31; as follows:

YEAS—39.

Allison,	Fairbanks,	Hawley,	Mitchell,
Burnham,	Foraker,	Kean,	Nelson,
Burrows,	Foster, Wash.	Kearns,	Penrose,
Burton,	Frye,	Kittredge,	Perkins,
Clapp,	Gallinger,	Lodge,	Platt, Conn.
Cockrell,	Gamble,	McComas,	Pritchard,
Cullom,	Hale,	McCumber,	Proctor,
Deboe,	Hanna,	McMillan,	Quarles,
Dietrich,	Hansbrough,	Mason,	Spooner.
Dillingham,	Harris,	Millard,	

NAYS—31.

Aldrich,	Clark, Wyo.	McLaurin, Miss.	Simmons,
Bacon,	Culberson,	McLaurin, S. C.	Stewart,
Bailey,	Dryden,	Mallory,	Taliaferro,
Bate,	Dubois,	Martin,	Teller,
Berry,	Foster, La.	Patterson,	Vest,
Blackburn,	Gibson,	Pettus,	Wellington,
Carmack,	Heitfeld,	Rawlins,	Wetmore.
Clark, Mont.	McEnery,	Scott,	

NOT VOTING—18.

Bard,	Dolliver,	Money,	Tillman,
Beveridge,	Elkins,	Morgan,	Turner,
Clay,	Hoar,	Platt, N. Y.	Warren.
Daniel,	Jones, Ark.	Quay,	
Depew,	Jones, Nev.	Simon,	

So the bill was passed.

On motion of Mr. PROCTOR, the title was amended so as to read:

A bill to make oleomargarine and other imitation dairy products subject to the laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax on oleomargarine and to impose a tax, provide for the inspection, and regulate the manufacture and sale of certain dairy products, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886.

ANATOMICAL BOARD OF THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

In compliance with a resolution of the Senate of the 1st instant (the House of Representatives concurring), I return herewith Senate bill No. 2291, entitled "An act for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia."

THEODORE ROOSEVELT.

WHITE HOUSE, April 3, 1903.

Mr. GALLINGER. Mr. President, I am somewhat in doubt what motion to make in reference to the bill.

The PRESIDENT pro tempore. The proper course to pursue is to refer the bill to the Committee.

Mr. GALLINGER. I will state that the purpose was to have the bill returned so as to have it amended. I will make the motion to refer it to the Committee on the District of Columbia.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 13123) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

CHINESE EXCLUSION.

Mr. PENROSE. I move that the Senate proceed to the consideration of the bill (S. 2960) to prohibit the coming into and to

regulate the residence within the United States, its Territories, and all possessions and all territory under its jurisdiction, and the District of Columbia, of Chinese persons and persons of Chinese descent.

The motion was agreed to.

Mr. MITCHELL. Mr. President, I rise to take the floor with the intention of discussing the Chinese-exclusion bill at 2 o'clock to-morrow, at which time, as I understand, it will come up as the unfinished business.

INDIAN APPROPRIATION BILL.

Mr. STEWART. Mr. President, I desire to give notice that to-morrow morning, immediately after the routine business, I shall call up the Indian appropriation bill.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 4, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 3, 1902.

APPOINTMENT IN THE ARMY.

Infantry Arm.

Edward J. Bloom, at large, to be second lieutenant, February 2, 1901.

PROMOTION IN THE ARMY.

Infantry Arm.

Capt. Edward H. Browne, First Infantry, to be major, March 28, 1902, vice Clagett, Second Infantry, deceased.

RECEIVER OF PUBLIC MONEYS.

William R. Akers, of Nebraska, to be receiver of public moneys at Alliance, Nebr., his term having expired. (Reappointment.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 3, 1902.

PENSION AGENT.

Augustus J. Hoitt, of Massachusetts, to be pension agent at Boston, Mass.

POSTMASTERS.

Burd R. Linder, to be postmaster at Orwigsburg, in the county of Schuylkill and State of Pennsylvania.

Daniel W. Bedea, to be postmaster at Shenandoah, in the county of Schuylkill and State of Pennsylvania.

Jesse N. Watson, to be postmaster at Hatboro, in the county of Montgomery and State of Pennsylvania.

Robert B. Clayton, to be postmaster at Ashland, in the county of Schuylkill and State of Pennsylvania.

Louis Biltz, to be postmaster at Girardville, in the county of Schuylkill and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 3, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

REVENUE-CUTTER SERVICE.

On motion of Mr. SHERMAN, the House resolved itself into the Committee of the Whole on the state of the Union for the further consideration of the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service, with Mr. OLMSTED in the chair.

The CHAIRMAN. Will the gentleman from Illinois [Mr. MANN] occupy some of his time?

Mr. MANN. I yield fifteen minutes to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. Mr. Chairman, a few evenings ago an employee in one of the departments of the Government came to see me, it being his fourth or fifth visit, to request that I should use whatever influence I might have to retain him in the Government service; a laudable ambition, to remain in the employ of the Government.

That same evening another employee spoke to me relative to supporting the pending bill. I suggested that the passage of this

bill meant the commencement of a civil pension list, and that I thought the results of it would open up an immense drain upon the Treasury. The reply to my suggestions was that when a clerk in the employ of the Government gives to the Government many years of his service that the Government ought to place him upon a civil pension list.

In these two incidents we have brought forth fully to our attention the condition in which the Government is placed. A strenuous effort at all times is being made to get into the Government service, and when once in office a strenuous effort is made to increase the salary and to establish an opening into the public Treasury. The title of the pending bill is "To promote the efficiency of the Revenue-Cutter Service." I dare say that that is misleading. I have listened very attentively during the past few days to the speeches in advocacy of this measure, and I have heard no intimation or suggestion that the Revenue-Cutter Service was inefficient. I have heard no argument protesting that it needed improvement. Every suggestion that has been made and every argument that has been offered has been that the service is very efficient and that the service is rendering a perfect service.

Why, then, should this bill be styled a bill to promote the efficiency of the Revenue-Cutter Service. When we turn to the bill itself we find in it no provision whatever, no suggestion whatever, to increase the efficiency of the service. No new duty is prescribed; no irregularity in the service is sought to be remedied. The only purpose of the bill is to open a way to higher salaries and to establish a pension list. The bill divides itself into three branches. First, to increase the rank of the officers in the Revenue-Cutter Service. To this I have no objection. If there should be any comfort in having a provision to place upon themselves more tinsel and to make a more gorgeous display, I have no objection whatever to offer to that.

The next provision is to increase the pay of all the officers in the service; but no suggestion is made to increase the pay of the common laborers engaged in the service. The next suggestion is to place these officers upon a retired list at an increased pay. Under the law as it now exists they are subject to retirement at one-half pay. This is to be increased to three-fourths pay; so that under the operation of the present law a captain who was retired at \$1,250 a year under the proposed law will be retired at \$2,625 a year; in other words, an increased pension from more than \$100 to more than \$200 a month. In addition to this there are commutations allowed to the different officers under existing law ranging from \$40 down to \$20 per month. This is increased in the pending bill to \$48 down to \$24 per month.

Now, Mr. Chairman, if we increase the pay of the Revenue-Cutter Service by the passage of this bill, I wish to call attention to the fact that the Life-Saving Service, a service which is just as commendable, that can present itself as forcefully and with just as many reasons and arguments in its behalf, stands knocking at the door of the Congress demanding an increase in its pay and that it shall be placed upon a retired pension list. Then there is the Marine-Hospital Service, that is just as commendable, making like demands. There is the United States Fish Commission, marine service, and that is entitled to as much consideration. Then there is the Railway Mail Service, that is entitled and possesses as much merit as this Revenue-Cutter Service. Where will this policy end? It means, Mr. Chairman, but one thing. It means the establishment of a civil-pension list in this Government; and when we ever open that door, I venture the prophecy that but a few years will elapse until we have a pension list requiring \$500,000,000 of appropriation every year.

I wish to call attention, Mr. Chairman, to the fact that at the present session the House has passed one law that has created the establishment of a permanent Census Bureau. This has added to the departments of the Government a large pay roll, amounting to a million dollars and more a year and an addition to the clerk hire of 1,000 or 1,200 clerks. There is pending in this body a ship-subsidy bill, another measure that is seeking to find an entrance into the Federal Treasury in order to donate unlimited millions of the money of the people, raised by taxation, to the classes in this country who are already in the wealthy class and have no need of the donation. Already we hear the demands upon the Congress for the establishment of a new department of commerce and labor that will necessitate the enlargement very much in the employment of clerks and will constitute an additional drain upon the Treasury. Many of these things, I wish to emphasize, are extravagances. We are in the era of extravagant and reckless expenditure of the public money. We are forgetting the fundamental principles of economy in Government. We are hoisting the anchor; we are letting the old ship of state drift away from economy into every extravagance conceivable to meet every demand made upon the Federal Treasury.

In this Revenue-Cutter Service we propose to increase the salaries of 221 officials, and we propose to increase the salary on the

retired list of 29 persons; and while this in the aggregate amounts to about \$156,000 per annum—comparatively a very small sum—yet it stands as an indication of what may be expected in the near future. It is the thin edge of the wedge entering the public Treasury toward the consummation of a plan to inaugurate in this country a permanent civil-pension list. I have here and shall print with my remarks the appropriations for the Army for the fiscal years from 1893 to 1902, inclusive, and the like appropriations for the Navy. I wish to call attention to the fact that the appropriations for the Navy for the fiscal years of 1893, 1894, 1895, 1896 were \$100,390,818.41. For 1899, 1900, 1901, and 1902, \$247,441,460.93. The appropriations for the same years—1893 to 1896—in the Army were \$95,379,632.37. For the years 1899, 1900, 1901, 1902 they amounted to \$678,380,001.18.

So that we have the total appropriations for the Army and Navy from 1893 to 1896, inclusive, of \$195,770,450, and for the years 1899 to 1902, inclusive, of \$925,821,000. The amount carried in the appropriation bill for the Army which has passed the House at the present session is \$90,880,000, and the estimates for the Navy are \$98,910,984, an increase in the estimates of more than \$11,000,000 over the year 1902 for the Navy alone.

I say, Mr. Chairman, that these facts ought to demand our serious attention and our earnest consideration, and they should impress upon us the necessity of calling a halt in the extravagance of the Federal Government.

Mr. Chairman, I shall also ask to print with my remarks the report which accompanies the pension appropriation bill setting forth the increase in the pensions. In 1879 the appropriations for pensions were \$33,000,000. In 1901 it was \$138,531,483, and added to that was \$3,787,693 for naval pensions, making more than \$142,000,000 disbursed in one year for our pension list. Is there no lesson for us in these figures? Have we forgotten that every dollar of money in the public Treasury comes through the exactions of taxation? Have we forgotten that in the establishment of this Government our fathers rested and grounded this Government upon the great fundamental principles of simplicity of government and economy of administration? But we have lost sight of this. We have forgotten the simplicity of our fathers; we have forgotten the economy of our fathers. We have cut loose from the spirit and genius of our institutions, and we are drifting away from them into every extravagance that could characterize a Federal administration.

Opposed to this the Democratic party stands forever pledged, and I wish to call to the attention of this House and to the attention of the country and to the attention of the Administration and the responsible authorities in this House that the time has come when we should begin to practice some measure of economy, and to have in view the fact that the money we are lavishly expending is derived from taxation of the people who earn their money by the sweat of their brow, and every dollar in the Federal Treasury is an exaction from labor and toil and the products of the masses of our citizenship. To-day, like in the olden time, as every road led to Rome, it seems that in the Congress of the United States under the present Administration, every road leads into the public Treasury. Let us return to the simplicity and the economy of our fathers, and turn away from this lavishness and extravagance that would constitute every Federal officeholder a pensioner upon the public Treasury and a burden upon the labor and toil and production of the American citizens. [Applause.]

The tables above alluded to are appended, as follows:

Appropriations for the Navy for the fiscal years—	
1893	\$23,543,385.00
1894	22,104,061.38
1895	25,327,126.72
1896	29,416,245.31
1897	30,562,690.95
1898	33,003,294.19
1899	54,068,793.68
1900	48,069,969.58
1901	65,140,916.67
1902	78,101,791.00
Total for the years 1893, 1894, 1895, 1896	100,390,818.41
Total for the years 1899, 1900, 1901, 1902	247,441,460.93
Appropriations for the Army for the fiscal years—	
1893	\$24,308,499.82
1894	24,225,639.78
1895	23,592,884.68
1896	23,252,608.09
1897	23,278,402.73
1898	23,129,344.30
1899	23,193,392.00
1899 (in the deficiency bill)	329,661,795.77
1900	80,430,204.06
1900 (in the deficiency bill)	15,140,464.70
1901	114,220,065.55
1902	115,734,049.10
Total for years 1893, 1894, 1895, 1896	95,379,632.37
Total for years 1899, 1900, 1901, 1902	678,380,001.18
Total appropriations for years 1893 to 1896 for Army and Navy	195,770,450.78
Total appropriations for years 1899 to 1902	925,821,402.11
Fiscal year 1903:	
Amount carried in appropriation bill for the Army	\$90,880,000.00
Estimates for the Navy	98,910,984.63
Increase of naval estimates over year 1902	11,738,553.87

Revenue-Cutter Service under existing law.

	Per annum.
37 captains, each at	\$2,500
37 first lieutenants, each at	1,800
37 second lieutenants, each at	1,500
37 third lieutenants, each at	1,200
1 captain engineers, at	2,500
35 chief engineers, each at	1,800
17 first assistant engineers, each at	1,500
18 second assistant engineers, each at	1,200
1 constructor, at	1,800

Retired list under existing law.

	Per year.
1 captain, at	\$2,500
4 captains, each at	1,250
4 first lieutenants, each at	900
1 second lieutenant, at	750
1 third lieutenant, at	600
9 chief engineers, each at	900
6 first assistant engineers, each at	750
3 second assistant engineers, each at	600

Under the pending bill the effect is to increase the salaries of the officers about 40 per cent, and it raises the salary of the retiring officer from one-half of the existing salary to three-fourths of the increased salary.

The Committee on Appropriations, in presenting the bill making appropriations for the payment of invalid and other pensions for the fiscal year 1903, submit the following in explanation thereof:

The estimates on which the bill is based will be found on page 197 of the Book of Estimates for 1903, and amount to \$139,846,480.

The accompanying bill appropriates \$139,842,230.

The following statement gives, by appropriate title of expenditure, the amounts appropriated for 1902, the estimates for 1903, and the amounts recommended in the accompanying bill for 1903:

Title of expenditure.	Appropriations for 1902.	Estimates for 1903.	Recommended for 1903.
Payment of pensions	\$144,000,000	\$138,500,000	\$138,500,000
Fees of examining surgeons	700,000	800,000	800,000
Salaries of agents	72,000	72,000	72,000
Clerk hire at agencies	430,000	430,000	430,000
Stationery and other necessary expenses	30,750	35,000	30,750
Rent	12,480	9,480	9,480
Total	145,245,230	139,846,480	139,842,230

The following table, compiled from the annual reports of the Commissioner of Pensions, shows the number of pensioners on the roll, the annual value of pensions, the disbursements on account of pensions, the number of applications filed, and the number of claims allowed each year from 1879 to 1901, inclusive:

Fiscal year.	Number of pensioners on the roll.	Annual value of pensions.	Disbursements on account of pensions.	Total number of applications filed.	Total number of claims allowed.
1879	242,755	\$25,493,742.15	\$23,664,428.92	57,118	31,946
1880	250,802	25,917,906.60	56,689,229.08	141,466	19,545
1881	268,830	28,769,967.46	50,583,405.35	31,116	27,394
1882	285,697	29,341,101.62	54,313,172.05	40,939	27,064
1883	303,658	32,245,192.43	60,427,573.81	48,776	38,162
1884	322,756	34,456,600.35	57,912,387.47	41,785	34,192
1885	345,125	38,960,985.28	65,171,937.12	40,918	35,767
1886	365,788	44,708,027.44	64,091,142.90	49,885	40,857
1887	406,007	52,824,641.22	73,752,997.08	72,465	55,194
1888	452,557	55,707,220.92	78,950,501.67	75,726	60,252
1889	489,725	64,246,552.36	88,842,720.58	81,220	51,921
1890	537,944	72,052,143.49	106,094,250.39	105,044	66,637
1891	676,160	89,247,200.20	117,312,690.50	696,941	156,486
1892	876,068	116,879,867.24	139,394,147.11	246,638	224,047
1893	966,012	130,510,179.34	156,906,637.94	119,361	121,630
1894	969,544	130,120,863.00	139,986,726.17	57,141	39,085
1895	970,524	130,048,365.00	139,807,788.78	45,361	39,185
1896	970,678	129,485,587.00	138,215,174.98	42,244	40,374
1897	976,014	129,795,428.00	139,949,717.35	50,585	50,101
1898	963,714	130,968,465.00	144,651,879.80	48,732	52,648
1899	991,519	131,617,961.00	138,355,652.95	53,881	37,077
1900	963,529	131,534,544.00	138,462,130.65	51,964	40,645
1901	997,735	131,568,216.00	138,531,483.84	58,373	44,868

The payments on account of Navy pensions during the fiscal year 1901 aggregated \$3,787,693.03, making total pensions paid in 1901 \$142,219,176.57.

Mr. JOHNSON. Mr. Chairman, since I have been a member of this House I have given a patient and courteous hearing to almost every speech that has been made upon this floor. In return for that patience and courtesy I beg the indulgence of the committee for a brief while on the pending measure. I would content myself with recording my vote against the bill were it not for the fact that requests have come to me from my State urging me to support it. I believe that a Representative should give patient and respectful consideration to any request from his constituents. There is no man, though never so poor and humble, whose wishes, even though of only one sentence contained upon a postal card, I would not receive respectfully and consider carefully. In the end, however, a Representative, having examined the subject, must follow his own conscience and judgment.

The friends of the Revenue-Cutter Service have certainly been active in this matter, for, so far as I know and have heard, the

only letters, petitions, and resolutions coming up to this House have been in favor of the bill. We have heard nothing from the great masses of the American people. They have been going about their business, and have not had time to analyze this bill and make known their views. They expect us to analyze the bill and to do our duty.

When it was brought to my attention that this bill, which professes to be a bill "to promote the efficiency of the Revenue-Cutter Service," would come before Congress for consideration, I supposed it meritorious. I know that I am in favor of promoting efficiency in all the departments of the Government service. Who is not? But what do I find in this bill, with its inviting, captivating, and misleading title? In my innocence I believe that language was made to reveal and not to conceal thoughts, and this is particularly true in regard to the titles of bills in legislative bodies. There is not one line or provision in the pending bill to improve the Revenue-Cutter Service. Indeed, Mr. Chairman, according to the advocates of this measure the Revenue-Cutter Service is the most efficient and worthy service in any department of the Government. The assertion here is that the service is practically perfect, or as nearly perfect as poor human nature can make anything. The most earnest and eloquent pleas are poured into our ears, and we are told that because of the efficiency and worth of the Revenue-Cutter Service this bill should be passed as an act of simple justice. I do not doubt that the officers in the Revenue-Cutter Service are courteous, efficient, and worthy gentlemen. I have nothing to say against them. They brave dangers and do their duty. So do thousands of other men, whether in or out of the public service.

Let us analyze this bill. Mr. Chairman, if the bill had no title and I were called upon to read it and to frame a title in one sentence that would convey a clear, definite idea of its provisions, in innocence and simple honesty, I would write this sentence: "A bill to increase the salary of the officers of the Revenue-Cutter Service, and to provide for their retirement on pay." This is the plain, simple English of this proposition. If the measure stopped at increasing the pay of these officers, we could debate it along the line as to whether we should increase the pay of Government employees. But, sir, beyond that, and of supreme importance in this discussion, is the principle involved in retiring men who are civil employees of the Government. Juggle with words as you may, justify it on what plea you will, the fact remains that by passing this bill you are creating a civil pension list. A civil pension list is obnoxious to every principle of republican government, and I pray that we may never see the day when one class of our people shall live in luxury and ease out of the public Treasury at the expense of the masses of the people, and that, too, without even the pretense that they are engaged in Government work.

Whether the civil pension list you shall create by the passage of this bill will be long or short will be immaterial. Whether the sum necessary to pay the salaries of the retired officers shall be large or small will make no difference. Whether that list shall contain 10, 500, or 5,000 men who never served their Government except as civilians, you will have a civil pension list. You will have a precedent. There are enough lawyers in this body to know the force and the power of precedent. When we go into court with a clearly established precedent, a like decision is forthcoming. Having passed this measure upon the plea of doing justice to this class of Government employees, I ask you what will be your answer when the Life-Saving Service come for similar treatment? They can say, and truthfully, too, that their lives are lives of hardship, peril, and danger. There is no smooth sailing for them. When the seas are angry and the waves are furious, and great ships laden with human souls are dashed like toys upon the rocks, the Life-Saving Service, unconscious of self, risk their lives to save others. Listen to the strong language contained in a Senate report setting forth the merits of the Life-Saving Service. The report says:

When the severe toils, bitter privations, and appalling dangers incident to their calling are considered, and when it is remembered that the spirit with which these hardships have been met has resulted in the saving of thousands of lives and an amount of property many times exceeding in value the cost of maintaining the service, while the history of their achievements has added luster to the national honor, it would seem that the higher rates would not be too great a reward to bestow on these faithful and heroic men. At all events, a substantial increase should be made.

As a consequence of their exposure many men have fallen victims to chronic ailments, some have been maimed for life by accidents, and others have perished on their beats. It is probably safe to say that there is no other class of men engaged in duties at once so tedious and perilous as those which these faithful guardians of the coast perform in maintaining the unremitting night patrol throughout the rigorous season of the year. But their labors are not confined to this routine of watch patrol and daily drill. Summoned in the dead of night, or by day in the midst of their ordinary toil to a duty higher than these, by an alarm that a vessel is ashore, they take their places at the boat wagon or apparatus cart for a supreme effort, with a courage and determination that has never yet quailed before any hazard, and executed

prodigies of valor and endurance that have made them celebrated throughout the land and added to the nation's glory.

In addition to the foregoing regular routine must be added their terrible and daring labors at shipwreck. This, of course, is their crowning duty, and involves efforts almost superhuman, heroism carried to the very brink of deadly peril, and often death itself.

The soldier in this age is known and is only justified as one who professionally stakes his life in defense of his fellow-citizens. It is because he does this that, grown veteran or infirm or falling on the battlefield, we recognize his right and the right of his family to support at the expense of the public he guards. These life-saving crews—these storm soldiers—render a similar service, and no less dangerous and noble, and they deserve the same substantial recognition.

In another Senate report, made at this session of Congress, it is said that—

these officers in their official routine are exposed to hardships and dangers which do not fall to the lot of the ordinary officeholder.

Measured by their merits or by the danger of their calling, the Life-Saving Service is as much entitled to a civil pension list as the Revenue-Cutter Service.

The Weather Bureau men will come asking for like treatment, and they will be able to present arguments which no man who votes for the pending measure can answer. The Revenue-Cutter men are at anchor in some smooth harbor on an average of more than three hundred days in the year; but the Weather Bureau men will be able to tell you that they work every day in the year; that their labors begin before the dawn and continue until midnight; that they must endure all climates, from Alaska to the equator. I need not stop to repeat the arguments that they will be able to make, for I find that a committee of the Fifty-sixth Congress summarized the reasons why there should be a retired or civil pension list for the Weather Bureau employees, and I can not do better than to repeat what they have said:

(1) They work three hundred and sixty-five days in a year. Their hours of duty are long. On the Pacific coast the first observation is made between 4.30 and 5.30 a. m., while on the Atlantic coast the offices can not be closed before 11 p. m., and often later. They must be on the alert at all times to detect the first premonitions of storm development, and remain constantly on duty in order to distribute warnings that may be received at any moment.

(2) They are subject to great vicissitudes of climate, being required to serve, as the exigencies of the service may require, in almost any degree of latitude, from Alaska to the West Indies.

(3) By reason of the peculiar organization of the service its employees are, like officers of the Army, in a great measure deterred from obtaining a fixed habitation or enjoying the privileges that accrue to long residence in a community. Changes of station generally operate to their financial disadvantage.

There you have it. They are not soldiers, but they serve the Government under great hardship, are always on duty, and, like soldiers, are constantly moving from place to place, are denied the social privileges and advantages accruing to long and fixed residence, and are subject to financial loss by constant change of residence. Being like soldiers, the argument is that they should be accorded like treatment.

So, Mr. Chairman, it is easy to see the drift and the tendency. Unfortunately, and, as I think, unwisely, we have a retired list of Army and Navy officers. To-day we are called upon to give the Revenue-Cutter Service a retired list because, forsooth, they perform duty like soldiers. The extracts from which I have read characterize the Life-Saving Service as "storm soldiers" and the Weather Bureau men as "like soldiers." All this is but laying the foundation to provide for them a retired list because there is an Army retired list.

The gentleman from Iowa [Mr. HEPBURN] is paving the way for the Marine-Hospital Service to be pensioned. He has introduced the bill (H. R. 7189) which I hold in my hand, and, while it provides for an increase in pay, it is entitled "An act to increase the efficiency," etc. I tell you, gentlemen, we must watch these titles. Judging by the title of the bill now under consideration, as well as by the title of the one which I hold in my hand, I am sure I can say without offense that if some gentlemen here were to draw up a bill to increase the salaries of judges of the United States courts, they are so thoroughly imbued with the idea of promoting or increasing the efficiency of the service that it would never occur to them to entitle their bill as a bill to increase the salary of judges of the United States courts, but I should expect a bill "to promote the efficiency of the courts."

This bill relating to the Hospital Service provides that the President may, in time of war, transfer this service to the Army. Having provided by law that this service may be pressed into the Army in time of war, you have laid the foundation to create for it a retired or civil pension list. Then, Mr. Chairman, what are you going to do about the railway postal clerks? They constitute one of the most worthy and efficient classes in the Government service. They work hard and they work constantly, and what is more, they are in infinitely more danger than the officers of either the Navy or the Army. It is a fearful thought and an appalling fact that when the railway postal clerk kisses his wife or his sweetheart good-bye he goes out from her presence with some doubt as to whether he will ever return. I have great respect for

this great army of employees. I believe that of all the bills here providing for an increase of salary of Government employees—and there are bills providing for increase in salary for nearly everyone in the Government service—the bill providing for an increase in the pay of postal clerks is about the only one of merit. When you get fairly launched into your civil pension business you will find yourselves in no position to refuse to heed the arguments that will be poured into your ears in behalf of other Government employees.

The Life-Saving Service, the Weather Bureau service, and the railway postal clerks can all show that their work is as arduous as the work of the Revenue-Cutter Service. They can show you that more men lose their lives each year in the Life-Saving Service, in the Weather Bureau service, and in the railway postal service than have lost their lives in forty years in the Revenue-Cutter Service. And when you shall have yielded to the pressure that will be brought to bear from all these sources, and placed the old and the infirm and the maimed upon the retired or civil pension list, then your lives will be made miserable by the clamor of the department employees here in Washington. Why, gentlemen, do you know that an association has been formed in this city for the purpose of securing legislation providing that all Government employees, here or elsewhere, incapacitated for labor, shall be placed on a civil pension list, or a retired list, if you prefer to call it by that name? Let me tell you, if you pass this bill all the other employees of the Government will some day get similar legislation. All they want is a precedent and one class in the Government service retired on pay. Then they will come, telling you that they worked for the Government during the best years of their lives, and ask that justice be done them by according them the same treatment accorded other Government employees.

There are only two arguments in favor of this bill, namely, (1) that the employees demanding this legislation are worthy, and (2) that this legislation is necessary to equalize them with Army and Navy officers; and such will be the arguments when like bills come before this body for consideration for other Government employees—that they are worthy and that such legislation is necessary to equalize them with other favored employees.

Mr. Chairman, there is one other thing I was about to forget. The friends of this bill say that the Revenue-Cutter Service employees are subject to the call of their country in times of grim-visaged war. That is so; but so is every other man. The lawyer in his office, the plowman in his field, the operative at his loom, the merchant in his store, the miner in the earth, the fisherman by the sea, and all men everywhere are subject to their country's call in the hour of danger, and that call will be obeyed.

All this talk about justice to these overworked and underpaid employees of the Government sounds very well. These employees were not conscripted into the service. They are not in involuntary servitude. They can resign. With all the world before them, they, of their own free will and accord, with full knowledge of the work and of the pay, sought these positions and hold on to them tenaciously. There is another class to whom we should do justice, and that is those who pay the taxes. It is time to call a halt in these wild and extravagant expenditures of public money. In 1860 the entire expenses of the Federal Government were in round numbers \$82,000,000. The expenses of the present fiscal year will reach \$730,000,000. The total appropriations for the Navy for the years 1893, 1894, 1895, and 1896 amounted to \$100,000,000. The total appropriations for the Navy for the years 1899, 1900, 1901, and 1902 amounted to \$247,000,000. The total appropriations for the Army for the years 1893, 1894, 1895, and 1896 amounted to \$95,000,000. The total appropriations for the Army for the years 1899, 1900, 1901, and 1902 amounted to \$678,000,000.

Every dollar in the Treasury is exacted in the way of taxation from the American people, and these dollars represent the toil and the sweat of those who eat bread in the sweat of their faces. I wish to be parliamentary, but I must confess that I have little patience over the tears that are shed in behalf of the overworked and underpaid employees of the Government. These employees went into the Government service voluntarily, and in most instances worried their Representatives and Senators to death to get the places. I undertake to say that most of your constituents and mine work longer hours, receive less pay, and have fewer of the luxuries than the Government employees. A captain in the Revenue-Cutter Service gets \$2,500 a year. This bill raises his salary to \$3,500 a year, and provides for his retirement in certain emergencies on a salary of \$2,625 a year for life. Compare these wages with what your people and mine back home are making, and answer your own conscience if you think it is right to tax the people to pay such salaries, and then to pay men on a retired list who do not render nor pretend to render any service to the Government more than \$200 per month for life out of the public Treasury.

I have heretofore referred to the fact that there were bills

pending in this Congress to provide for increase of pay for almost all the employees of the Government. I take the liberty of quoting from the speech of the gentleman from Illinois [Mr. MANN], who has carefully compiled the bills of this character. Bills for increase of salaries pending March 1, 1902, in the Senate and House of Representatives of the Fifty-seventh Congress:

- S. 943. To reclassify railway postal clerks and to increase their salaries.
- H. R. 27. To reclassify railway postal clerks and divide them into ten classes and to increase their salaries.
- S. 1345. To classify post-office clerks and to grant them an annual increase in salary of \$100 per annum.
- H. R. 5286. To provide for the classification of salaries of clerks employed in first and second class post-offices and to increase the salaries of such clerks.
- H. R. 5597. To increase the compensation of fourth-class postmasters.
- S. 237. To increase the pay of letter carriers.
- H. R. 2575. To increase the pay of letter carriers.
- H. R. 6279. To increase the pay of letter carriers.
- H. R. 6548. To increase the pay of letter carriers in cities to \$1,200 per annum and to increase the pay of rural carriers to \$1,000 per annum.
- H. R. 7213. To increase the pay of letter carriers.
- S. 3267. To increase the pay of judges of the Supreme Court and other courts of the United States.
- H. R. 205. To increase the salaries of judges of the Supreme Court and other courts of the United States.
- H. R. 5816. To increase the salaries of the Vice-President, judges of the Supreme Court, and members of Congress.
- H. R. 6284. To increase the salary of the Vice-President to \$25,000 and Cabinet officers to \$15,000 per annum.
- S. 1026. To increase the compensation of district superintendents in the Life-Saving Service.
- H. R. 76. To increase the compensation of district superintendents in the Life-Saving Service.
- H. R. 197. To increase the compensation of district superintendents in the Life-Saving Service.
- H. R. —. To grant an increase of 10 per cent for each five years' service to all persons in the classified service.

Let us not forget that the fathers who founded this Government based it upon the idea of simplicity and economical administration. In many things the tendency and the drift are away from the simple democracy of the fathers. Let us retrace our steps. Let us understand, and endeavor to make all other men understand, that men temporarily in the public service are but public servants and are no better than the men in private life. There is no place here for classes. The genius and the spirit of our institutions stand out against such legislation. If this Government is simple in its manner, economical in its expenditures, and fair and impartial in its administration, it will be strong in the affections of the people. [Loud applause.]

Mr. LITTLEFIELD. Mr. Chairman, inasmuch as I think I have some knowledge of a practical nature of the service affected by this bill and know its value and efficiency, the character and quality of the men engaged therein, I rather feel bound to make some suggestions relating thereto. The gentleman from Illinois [Mr. MANN] and the gentleman from Alabama [Mr. RICHARDSON], who join in the minority views against the report of the committee on this bill, apparently have given some time in investigation for the purpose of ascertaining the merits of this measure. The gentleman from Illinois informs us that he has spent about a year and a half in the investigation of this question. The gentleman from Alabama informs us in his speech that he has spent about all of his time since he has been on the Committee on Interstate and Foreign Commerce in investigation of this measure.

Now, we know that to be practically true, with this exception: We do know that he has not spent the time on this measure that he has employed in conjunction with the gentleman from Michigan [Mr. CORLISS], who sits at my right, in alternately swatting the octopus concealed in the Pacific cable proposition [laughter]; but with this exception the gentleman from Alabama has spent his time in investigating this measure. I was very much surprised to hear the gentleman from Illinois, in his second speech on this proposition, express regret because the gentleman from Michigan [Mr. HENRY C. SMITH] had seen fit to make some reference to the Navy not altogether of a complimentary character. I was surprised, because of the fact that the minority views signed by the gentleman from Illinois and the gentleman from Alabama, and the two speeches made by the gentleman from Illinois, to say nothing of the speech made by the gentleman from Alabama on four months' investigation, are simply seething and saturated with unfounded attacks and assaults upon the Revenue-Cutter Service.

Now, notwithstanding the fact that the gentleman from Illinois sees fit once in a while to say that they are courageous men, his speeches are, I say, saturated with villification of this service; and I say further, and I will reach it if I have time in the course of these remarks, that his speeches themselves show that many of his charges are absolutely without foundation. Moreover, they show further that he has distorted what he claims to be the facts for the purpose of making out what he claims as derogatory to this service. Now, what is this pending measure, and what does it do? It accomplishes, as I understand, simply four things. First, it simply makes the grades in the Revenue-Cutter Service

regular and consistent with the existing grades in the Navy. Second, it makes the Revenue-Cutter officers rank next with and next after the officers in the naval service in times of peace as well as in times of war. Now, upon that proposition the minority views, the result of a year and a half investigation and four months of study, say what? Why, they say that is unnecessary and useless in time of peace, and that it would be very injurious—I want to quote them exactly—it would be “exceedingly mischievous in time of war.”

I want to call the attention of this House to the fact that the provisions of this bill, so far as they relate to this service in time of war, are simply a reenactment of existing law which had been in existence long before the civil war, and instead of that provision operating with great mischievousness during the time of the civil war and the time of the Spanish war, it operated manifestly to the advantage of both the naval and the Revenue-Cutter services. Now, I do not say that the gentleman from Illinois, after eighteen months of investigation knows that fact; but if he had spent his time to any good purpose, he would have learned that that assertion of his was entirely without foundation. [Applause.]

Mr. MANN. Will the gentleman yield for a moment?

Mr. LITTLEFIELD. Oh, yes; I am glad to yield.

Mr. MANN. The gentleman states that that provision of this bill is simply a reenactment of existing law?

Mr. LITTLEFIELD. That is what I say.

Mr. MANN. Then, what is the purpose of having it in the bill?

Mr. LITTLEFIELD. For the purpose of making this consistent with the existing law.

Mr. MANN. What is the use of putting a provision in the bill to reenact existing law?

Mr. LITTLEFIELD. Do you deny that it is a reenactment of existing law?

Mr. MANN. Why, certainly, it is not a reenactment.

Mr. LITTLEFIELD. I make the absolute assertion and will stand by the record.

Mr. MANN. The gentleman himself has an amendment prepared for the very purpose of taking the provision out of the section that he is now talking about.

Mr. LITTLEFIELD. The gentleman has not any such amendment prepared.

Mr. MANN. Well, he had.

Mr. LITTLEFIELD. He has not any such amendment prepared. Now, you notice what I talk about. Do not get unduly excited, because if you get excited at this stage, you will get annoyed later. Notice what I am talking about. I say that the law now provides that these revenue officers in time of war rank with and next after the officers that are described in this bill. I say that is a provision of the law, and it has been a provision, and I will read it:

The officers of the Revenue Service, when serving—

And this was the law prior to 1861—

in accordance with law as a part of the Navy, shall be entitled to relative rank as follows: Captains, with and next after lieutenants commanding the Navy; first lieutenants, with and next after lieutenants in the Navy; second lieutenants, with and next after masters in line in the Navy;

And the only change is to eliminate masters, and put in junior lieutenants, if I remember correctly—

third lieutenants, with and next after ensigns of the Navy.

And that has been the law, I say, since long prior to 1861.

Mr. MANN. Will the gentleman permit me to call his attention to the section of the bill itself?

Mr. LITTLEFIELD. Yes.

Mr. MANN. Instead of saying “captains with and next after lieutenants commanding,” it says “captains with and next after lieutenant-commanders in the Navy,” which is an entirely different proposition.

Mr. LITTLEFIELD. What is that—with and next after lieutenants commanding?

Mr. MANN. With and next after lieutenant-commanders.

Mr. LITTLEFIELD. That is simply a technical title that you call attention to.

Mr. MANN. That shows the gentleman is not informed about the law.

Mr. LITTLEFIELD. No; it does not. It shows nothing of the kind.

Mr. HEPBURN. There is no such officer as a “lieutenant commanding.”

Mr. LITTLEFIELD. I will say to the gentleman from Illinois that it shows nothing of the kind. Now, if the gentleman will just wait, as I go on I will call his attention to some other things that will interest him vastly more. I say that in substance this provision was in existence prior to 1861. I say that in substance this provision applied in 1861 and 1898, and I say that under it the officers of the Revenue-Cutter Service and their vessels fired the first shot in each war, and there was not the slightest con-

dict, difficulty, or trouble. They operated together without any difficulty or trouble.

Mr. MANN. I do not wish to take the gentleman's time.

Mr. LITTLEFIELD. Well, then, I hope you will not take it; but go ahead.

Mr. MANN. I suppose you hope I will not.

Mr. LITTLEFIELD. No; go right along.

Mr. MANN. The term “lieutenant-commander” is a term of rank. The term “lieutenant commanding” refers to the command of a vessel.

Mr. LITTLEFIELD. Yes.

Mr. MANN. And in the recent war, according to the report of the Navy, there were a great many vessels commanded by officers below the rank of lieutenant-commanders.

Mr. LITTLEFIELD. Yes.

Mr. MANN. But commanded by lieutenants commanding.

Mr. LITTLEFIELD. Yes.

Mr. MANN. Now you propose to eliminate that and make these captains subject only to lieutenant-commanders.

Mr. LITTLEFIELD. Yes.

Mr. MANN. But superior to lieutenants commanding.

Mr. LITTLEFIELD. Yes. Was there any friction about that in the time of the war?

Mr. MANN. There was no friction, because the lieutenants commanding were always in command; but you propose to let revenue officers command lieutenants.

Mr. LITTLEFIELD. Did a captain rank with and next after a lieutenant-commander in the Navy in the time of the war?

Mr. MANN. He did not.

Mr. LITTLEFIELD. Did a first lieutenant rank with and next after lieutenants in the Navy?

Mr. MANN. He did not.

Mr. LITTLEFIELD. Did a second lieutenant rank with and next after a master in the Navy?

Mr. MANN. He did not, so far as command of a vessel is concerned.

Mr. LITTLEFIELD. I have just read from the statute that says he did. That simply shows that the gentleman from Illinois is a trifle off his base.

Mr. MANN. Well, the gentleman will take care of himself on that proposition.

Mr. LITTLEFIELD. I have no doubt he will. I am very glad to see him do it. He has endeavored to take care of himself in these minority views on this bill and in these speeches he has made on this bill, and I will show the House, if I have time, how well he has succeeded in accomplishing that little job.

Now, there are two other things this bill accomplishes. And what are they, which these gentlemen are so violently opposed to? The bill gives to the officers of the Revenue-Cutter Service longevity pay and the same privileges, in substance, as to retirement that are now given to officers in the Navy and in the Army.

I am not going to stop here to discuss the question of a civil pension list or the propriety of the retirement proposition in connection with the Army and the Navy. I shall assume for the purposes of what I may say here that it is the settled policy of this Government to promote and continue its policy in connection with the retiring of officers in the Navy and in the Army. The only question here pending in this bill is whether or not the officers of the Revenue-Cutter Service as to services are in every substantial respect identical with those of similar officers in the Navy. If they are, they are entitled to the same treatment.

Mr. RICHARDSON of Alabama. Will the gentleman kindly yield to me?

Mr. LITTLEFIELD. Yes; I yield to the gentleman from Alabama.

Mr. RICHARDSON of Alabama. Will the gentleman kindly explain what the difference is between the compensation under this bill of a captain—

Mr. LITTLEFIELD. Now, I hope the gentleman will wait until I get to that.

Mr. RICHARDSON of Alabama. What is the difference between the pay of a captain corresponding in rank to a lieutenant-commander? Will the gentleman explain that difference?

Mr. LITTLEFIELD. I will not stop now. If I have time I will do so later. First, I will discuss something that will interest the gentleman a great deal more than these trivial suggestions about rank.

Mr. RICHARDSON of Alabama. This bill is to give equality in rank and pay.

Mr. LITTLEFIELD. Yes.

Mr. RICHARDSON of Alabama. Now, I want you to explain the difference between the pay of the officer in the Revenue-Cutter Service corresponding in rank to lieutenant-commander?

Mr. LITTLEFIELD. I decline to yield to the gentleman from Alabama at this time for that purpose. If I have time before I finish I will explain what the gentleman thinks is a mare's nest,

what he said in his speech was the "cloven foot," the result, I have no doubt, of four months' reflection upon the service. I will refer to that a little later, if I have time; but I am now discussing another point in this bill, and I decline to be drawn from it.

I say if these officers stand on equal footing, are substantially identical in service with the officers in the Navy, they are entitled to the same treatment and ought to receive longevity pay and retirement that the officers of the Navy have; and I say that it now being a part of the policy of this country to give the officers of the Navy that retirement on account of their naval services, it properly withdraws and distinguishes them from the class of civil employees of the Government. I am opposed to enlarging the civil pension list. I do not believe in giving civil pensions.

The gentleman from South Carolina says that he discovered that this bill was constructed and was originated mainly for the purpose of increasing the civil pensions and the civil list, and then the gentleman from Tennessee said this morning that he saw the thin edge of a civil-pension list. It had a tendency, so he said, to in some way affect the ship-subsidy bill. In what way it was done he did not say. I do not know. It had a tendency, he said, to send the great ship of state very near the rocks and breakers. That is the thin edge that the gentleman from California is opposed to in this bill, because he did not like to open a civil-pension list; and for that reason, in his remarks, the gentleman from Indiana, whom I see near me, and whose remarks I have not seen, because he has not extended them in the RECORD, I understand is opposed to this bill, because it is a thin edge and opening up a civil-pension list. Now, I think I am opposed as much—I do not know, of course, how a man really feels from his speech—but I am, I think, as much opposed to a civil-pension list as either of these distinguished gentlemen.

I do not think there is any danger of the ship of state going on the breakers if this bill passes, because I do not believe on any fair and proper analysis, by any inspection of the provisions of the bill by ordinary human reasoning, without misrepresentation or misapprehension, that the officers of the Revenue-Cutter Service can be said to be in any proper sense civil employees. I have great respect and admiration for the Navy; I think no man has more—and if there was any line or syllable in this bill that tended in any way to derogate from the honor of the officers of the American Navy, or that tended to impair their efficiency in the discharge of their duties either in time of peace or of war, I would vote against the bill. But there is nothing of the kind.

If I can demonstrate, as I think I can, that these officers stand upon a par with the officers of the Navy, they are entitled to the same treatment. I grant you that it does not answer the suggestions made by the gentleman from California or the suggestions made on the floor the other day by gentlemen who said that they were opposed to the whole retirement proposition—that they do not believe there ought to be any retired list. I do not stop to answer that proposition. That question I submit now to the consideration and judgment of the gentleman from Illinois and the gentleman from Alabama, who, as it was asserted yesterday by the gentleman from North Carolina, had never even been on the deck of a revenue cutter, and I do not know that they ever saw a revenue cutter. But as to the judgment of these distinguished gentlemen, and I make no reflection upon their intelligence, their honesty, or their judgment, I propose to submit that the great weight of authority on this question as to identity of service is against them.

I say that the great preponderance of authority does not sustain my distinguished friends in their opposition to this bill, and I propose to read from the report of Secretary Chandler, a report which I think perhaps my friends, although they spent this time and exercised their great abilities, did not succeed in unearthing. Now, what does Secretary Chandler say? I will pause right here to say that there is no officer in the Navy, small or great, renowned or otherwise, that stands to-day, either directly or indirectly, challenging the propriety of this measure or opposed to its passage. They all full well understand the relation of this Revenue-Cutter Service to the United States and the absolute parallel that exists between the two services, and there is no man in the Navy so provincial, so selfish, or so narrow as to be opposed to this measure when he knows that it is founded on the same measure of justice and the same proposition of logic that applies to the retirement and longevity pay of the officers in the Navy.

There is Secretary Chandler, and what does he say? I shall not stop here to argue that it may be that Secretary Chandler knows as much about this service and the naval service as my friend from Illinois or my friend from Alabama, or my other friend from Alabama, who the other day was so awfully impregnated with the idea of a civil pension list, that tremendous ignis fatuus that seems to climb up over the footboard during the silent midnight watches and frighten them when they think of this bill.

Here is what Secretary Chandler said in 1883:

Of the rest—

Speaking of the duties of these officers of the Revenue-Cutter Service—

there is not one that is foreign to the general purpose and scope of the naval officer's profession.

Going on further, he says:

The duties of both services are identical in their general nature, only they operate in different localities. Both cruise to protect the maritime interests of the Government and to render assistance to American vessels—the one on the coast, the other, in addition, at sea and in foreign waters. One polices the shore, the other the ocean. In war both engage in naval operations.

The practical identity in the character of the naval and the Revenue-Marine Service lies in the fact that they are both nautical and both military.

Here is where they differ from civil employees.

That the Revenue Marine is a nautical service requires no proof. It is nothing if not nautical. That it is a military service was officially asserted by the Treasury Department in the report on the service for 1881, in these words:

The Revenue Marine, while charged by law with the performance of important civil duties, is essentially military in its character. Each vessel is provided with great guns and furnished with as full a complement of small arms for its crew as any ship of war. Its officers are required to be proficient in military drill and possess a thorough knowledge of the uses of both great and small arms. Its crews are required to be instructed from day to day at the great guns and in the use of the carbine, pistol, and cutlass. Commanding officers are required, while boarding vessels arriving in ports of the United States, in case of the failure or refusal of any such vessel, on being hailed, to come to and submit to the proper inspection by an officer of the service, to fire, first across her bows as a warning, and in case of persistent refusal to resort to shot or shell to compel obedience. In the performance of this work they are likely at any time to receive injuries and be subjected to the same dangers in time of peace as the force employed on naval vessels.

By the act of March 2, 1799, it is provided that "the revenue cutters shall, whenever the President so directs, cooperate with the Navy." It will be observed that the cooperation of the two services prescribed in the act above quoted is not contingent upon a state of war or other particularly perilous conditions. On the contrary, it may take place in time of peace and for pacific purposes, and when less hazard is involved in the two services than pertains to the discharge by a revenue vessel of its ordinary duties. * * * It is difficult to conceive that discrimination could be made by the law between services subjected to equally hazardous and equally important military duties, both in time of peace and in time of war. * * * Objection to granting pensions for the Revenue-Marine officers and seamen has been made on the ground that such action would be extending this bounty to civil employees of the Government, a policy to which our legislative traditions, so to speak, are opposed. But, if in legal theory they are civil employees, are they so in fact? Are they less positively a part of our military force in time of war than the Army or Navy? It is true revenue vessels are not to be ordered into action on purely military service, offensive or defensive, except the President so direct; neither are vessels of the Navy.

That Secretary Chandler is a man of intelligence and uses the English language with a full appreciation of its import and with great accuracy will not be denied, and here is what he says in comment:

The above clear and concise statement showing that the so-called revenue marine is simply a coast navy is without doubt correct and just, etc.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. LITTLEFIELD. Will the gentleman from New York extend my time for a few minutes?

Mr. SHERMAN. Will five minutes be enough?

Mr. LITTLEFIELD. Perhaps I can crowd what I wish to say into that time.

Mr. SHERMAN. I do not see how I can give the gentleman more.

Mr. LITTLEFIELD. Very well.

Now, let me quote from the language of another Secretary of the Navy, also a man of ability and capacity, and who knows something of these services, Hon. Benjamin F. Tracy. He says in a letter dated February 29, 1892:

It seems hardly necessary here to point out the practical identity of the two services.

He then quotes with approval the extract which I have just read from the report of the Secretary of the Treasury. In commenting upon the extract he says:

The similarity in the two employments amounts almost to identity.

Let me go a little further and quote something a little nearer to the present date. I wish to refer to the language of a Secretary of the Navy on whom gentlemen who oppose this bill have undertaken to rely. In the pursuit of information on this subject I have taken occasion to write a letter of inquiry to Hon. John D. Long, the present Secretary of the Navy, who most worthily maintains the dignity of that office, so that it is no reflection upon men who have preceded him to say that with his distinguished ability and high and exemplary character he has reflected great credit and honor on the administration of the Navy during the time he has had it in charge. [Applause.] I wrote to Secretary Long this letter:

HOUSE OF REPRESENTATIVES, Washington, D. C., March 29, 1902.

HON. JOHN D. LONG,
Secretary of the Navy.

DEAR SIR: I desire to call your attention to the bill S. 1025, to promote the efficiency of the Revenue-Cutter Service, which is practically identical

with the bill H. R. 5796. The following amendment is proposed to be added to section 2 of the bill, viz:

"Provided further, That such assimilated rank shall not be construed to vest any officer of the Revenue-Cutter Service with the right to command any officer of the Navy or any naval vessel, nor shall any naval officer have the right to command any officer or vessel of the Revenue-Cutter Service, except by order of the President."

Will you be kind enough to examine the bill with the proposed amendment and advise me whether or not the Navy Department would have any objection thereto, assuming the amendment was adopted, and, if you feel at liberty to do so, make such suggestions as you desire with reference to the propriety of the measure?

Very respectfully,

C. E. LITTLEFIELD.

To this letter I received the following reply:

NAVY DEPARTMENT, Washington, March 31, 1902.

MY DEAR SIR: I have the honor to acknowledge the receipt of your communication of the 29th instant with reference to the bill S. 1025, "To promote the efficiency of the Revenue-Cutter Service," which is practically identical with H. R. 5796, and requesting an examination of the bill with an amendment proposed in your communication, and advice whether or not the Navy Department would object thereto in case the amendment should be adopted.

In reply you are advised that while this measure is a matter concerning the Treasury rather than the Navy Department, the special objection to it on the part of the latter is met if, either in the form suggested by you or otherwise, it be so amended as to provide that when officers of the Navy and officers of the Revenue-Cutter Service are serving together the whole shall be under the command of the senior naval officer present, and that in no case shall officers of the said service exercise command over vessels of the Navy.

Which is precisely what the amendment accomplishes.

With regard to your further request that I make such suggestions as I may desire to submit with reference to the general propriety of this measure, I beg to add that on account of the similarity of the two services—

Mark that language—the language of John D. Long—

on account of the similarity of the two services, their cooperation in time of war, and the possible future utility of the Revenue-Cutter vessels for naval purposes in time of peace in connection with the protection of American interests in foreign waters, it is clear that the Revenue-Cutter Service ought to be a branch of the naval establishment, as has frequently heretofore been proposed, and as, in the interests of a common range of service afloat, it certainly should be. Indeed, every argument in favor of the bill in question is an argument in favor of such a combination. It may be added that the bill seems to have a tendency toward that end, and if so the Navy Department would gladly approve it if amended as above suggested.

I have no doubt as to that question.

Such an arrangement, it is believed would be for the interests of the officers and enlisted of the Revenue-Cutter Service who have given many instances of skillful seamanship and great gallantry, and thus shown their aptitude for naval service; would put cognate branches under one head and thus promote harmony rather than friction and give both the same benefits; and would certainly tend to prevent the maintenance and possible gradual divergence of what has been called two navies with their separate costly organizations. I have no doubt that there may be some line of service in the Navy Department that could be properly turned over to some other department. I certainly believe that there are branches in other departments involving vessels afloat and closely allied to the naval service which on the other hand would be better if attached to the Navy Department, and that the Revenue-Cutter Service is one of them.

Very truly, yours,

JOHN D. LONG,
Secretary.

HON. CHARLES E. LITTLEFIELD, House of Representatives.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEFIELD. I wish I could have about three minutes longer.

Mr. SHERMAN. I yield the gentleman three minutes more.

Mr. LITTLEFIELD. Now, Mr. Chairman, without any disrespect to the gentleman from Illinois [Mr. MANN] or the gentleman from Alabama [Mr. RICHARDSON], I submit that the great weight of authority sustains the proposition that these two services are identical.

A word in reply to my friend from South Carolina and other gentlemen who say that the passage of this bill would be opening the way to a civil-pension list. There is no department of the Government to which such a remark could have had less pertinence than to this service. There is no clerk who could be drawn from his regular service and detailed to go upon the firing line by order of the President of the United States; no man can be taken from the Marine-Hospital Service; no man can be taken from the Fish Commission; no man can be taken from the Post-Office Department, railway-mail clerk though he may be, and very much in love with that proposition though my friend from South Carolina may be. There is no department, there is no other service that stands on a parallel with this Department in that fundamental distinction of essential military character that exists between them.

Mr. MANN. Will the gentleman pardon me a moment?

Mr. LITTLEFIELD. I can not stop here. I have not the time. There is no department, I say, that can stand on a parallel with this in that respect. If I had the time, I would be glad to stop and discuss the Life-Saving Service, because in the line of hazardous and dangerous encounter the Life-Saving Service does stand on a parallel with that of the Revenue-Cutter Service. One of the great duties discharged by both services is to save life at the peril of their own lives. I have time only for just one suggestion that I want to make in connection with the two speeches of

my friend from Illinois. I said that the gentleman's speeches showed that he had no foundation for some of the assertions he made. I will call attention to this, and then I will leave this bill for the consideration of the members of the House. I call attention now to the assertion made by the gentleman from Illinois in his speech on Thursday last, in which he said this:

If the report of the Revenue-Cutter Service were published, it would show that no boat—

Now mark this—

no boat in the control of the Revenue-Cutter Service had its anchor weighed so much as eight days every month.

There is his record in his speech of Thursday last. I take up now and hold in my hand his speech of Tuesday last, in which he spreads himself over the RECORD to the tune of eighteen to twenty pages, and what do I find there? I find there are six boats that have a record of eight days' and more service in the month, so that there are six instances in his speech of Tuesday that show that the assertion that he, inadvertently no doubt, made in his speech of Thursday was entirely without foundation.

Now, let me go a little further. He has selected in these six instances only 21 of the 40 vessels engaged in the Revenue-Cutter Service. What of the other 19? What would they show with reference to having their anchors weighed more than eight days in any one month? I do not know, but I have no doubt the gentleman from Illinois does know. At any rate, he has spent eighteen months in investigation of this question. Now, time does not permit me, Mr. Chairman and gentlemen of the committee, to indulge in longer debate upon this proposition. I simply refer to this for the purpose of sustaining the assertion with which I started out. I most certainly hope, Mr. Chairman, that this measure will have practically a unanimous passage at the hands of this House and a most worthy service receive its just, honorable, rightful, and equal reward in comparison with other like service rendered the Government. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TAYLOR of Ohio having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 167. An act for the relief of John L. Smithmeyer and Paul J. Pelz;

S. 3437. An act to amend chapter 4, Title XIII, of the Revised Statutes of the United States;

S. 4339. An act authorizing the White River Railway Company to construct a bridge across the White River, in Arkansas;

S. 4222. An act authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy;

S. 3638. An act granting an increase of pension to Samuel L. Leffingwell;

S. 1814. An act granting an increase of pension to Anna E. Luke;

S. 4404. An act granting an increase of pension to Otto H. Hasselman;

S. 1107. An act limiting the liability of sureties on bonds of officers of the Navy;

S. 642. An act to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands;"

S. 1643. An act granting an increase of pension to Ellen J. Clark;

S. 4450. An act confirming in the State of South Dakota title to a section of land heretofore granted to said State;

S. 1451. An act to correct the military record of A. W., alias Washington, Huntley;

S. 3797. An act authorizing the Secretary of War to deliver old pieces of ordnance to the Indian war veterans;

S. R. 23. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a statue of the late Maj. Gen. Alexander Macomb, United States Army;

S. 3821. An act to extend the time for presentation of claims under the act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, and under acts amendatory thereof;

S. 4572. An act to grant an honorable discharge from the military service to Charles H. Hawley;

S. 3984. An act granting land for a miners' home;

S. 4740. An act granting an increase of pension to Maria L. Godfrey;

S. 4749. An act granting an increase of pension to Eunice A. Smith;

S. 319. An act granting an increase of pension to Ida Warren;
 S. 3091. An act granting an increase of pension to Matilda R. Schoonmaker;
 S. 2289. An act granting an increase of pension to Benjamin S. Harrower;
 S. 4514. An act granting an increase of pension to Mary Beals;
 S. 3108. An act granting an increase of pension to Inez E. Perrine;
 S. 4381. An act granting an increase of pension to John S. Robinson;
 S. 2943. An act granting a pension to Thomas S. Rowan;
 S. 181. An act granting an increase of pension to William C. David;
 S. 3672. An act granting an increase of pension to James Scannell;
 S. 3041. An act granting an increase of pension to Emma F. Shilling;
 S. 4506. An act granting an increase of pension to Ann E. Collier;
 S. 4792. An act relative to the control of dogs in the District of Columbia;
 S. 4643. An act granting an increase of pension to Phoebe L. Peyton;
 S. 3634. An act granting an increase of pension to Elizabeth A. Capehart;
 S. 4056. An act granting an increase of pension to Minerva Melton;
 S. 1625. An act granting an increase of pension to Jethro M. Getman, alias James M. Getman;
 S. 4335. An act granting an increase of pension to John Brown; and
 S. 1225. An act granting a pension to Clara W. McNair.
 The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:
 H. R. 6713. An act granting an increase of pension to Freeman R. E. Chanaberry;
 H. R. 3418. An act granting a pension to Dennis Dyer;
 H. R. 11375. An act granting a pension to Charles F. Merrill;
 H. R. 2124. An act granting an increase of pension to Dewitt C. McCoy;
 H. R. 6466. An act granting a pension to Josephine M. Dustin;
 H. R. 6029. An act granting a pension to Mary E. Kelly;
 H. R. 9301. An act granting an increase of pension to Barbara McDonald;
 H. R. 11331. An act granting an increase of pension to Abraham N. Bradfield;
 H. R. 7990. An act granting an increase of pension to Uriah Reams;
 H. R. 3180. An act granting an increase of pension to Edward S. Dickinson;
 H. R. 5413. An act granting an increase of pension to Alfred H. Van Vliet;
 H. R. 10193. An act granting an increase of pension to John Hollister;
 H. R. 1706. An act granting an increase of pension to John E. White;
 H. R. 10289. An act granting a pension to Eliza Stewart;
 H. R. 9821. An act granting a pension to John W. Moore;
 H. R. 2120. An act granting an increase of pension to Horatio N. Warren;
 H. R. 11409. An act to authorize the construction of a traffic bridge across the Savannah River from the mainland within the corporate limits of the city of Savannah to Hutchinsons Island, in the county of Chatham, State of Georgia; and
 H. R. 9084. An act for the relief of bona fide settlers in forest reserves.

REVENUE-CUTTER SERVICE.

The committee resumed its session.

Mr. SHERMAN. I will be obliged if the gentleman from Illinois will now consume the balance of his time, so that the gentleman from Iowa [Mr. HEPBURN] may have what is remaining on this side to close the debate.

Mr. MANN. I would ask the Chair how much time remains on each side?

The CHAIRMAN. Forty-eight minutes on the side of the gentleman from Illinois and forty-five minutes on the side of the gentleman from New York.

Mr. MANN. Then I yield fifteen minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Chairman, there may be some similarity in service between the Revenue-Cutter Service and that of the Navy of the United States. So there is between other services that are not regarded as either part of the Navy or part of the Army. There is a transport service of the United States. It is not even in a civil department; it is under the authority of the Secretary of War, and yet I presume that the next move that

will be made in this House will be to attempt to place the officers of the transport service upon the retired list with longevity pay. In fact, I can not see why these officers in the Revenue-Cutter Service should be entitled to those privileges unless you extend it to the transport service. The transport service is conducted by men of experience, and the ships therein are enormous in size compared to those that are in the Revenue-Cutter Service.

Why, Mr. Chairman, when the size of the vessels that are in the Revenue-Cutter Service is known I am astonished that anybody should compare the responsibility of the officers in charge of the same with the responsibility of the naval officers. Upon examination of the list of revenue cutters of the United States I find that the very largest is one of 869 tons capacity and the smallest one of 23 tons capacity. Now, is it possible that gentlemen can seriously compare the responsibility of captains of these vessels with the corresponding officers in charge of the great cruisers and the other great vessels in the Navy of the United States? When we propose to fix the compensation of officers should we not do it with relation to the responsibilities thereof?

Why, Mr. Chairman, to compare this service to the Navy service is simply to compare something that is exceedingly small with something that is very large. The transport service contains vessels that are four, five, and six times as large as those of the Revenue-Cutter Service. I can not see why anyone who would vote for this bill would not also vote for the retirement of the transport captains, and also for the retirement of officers in other services of the Government. This measure is not like one for an appropriation of a certain sum for a completed improvement which, when once made, entails no further obligation upon the Government, but it provides for an appropriation from year to year forever, whether the revenues of the Government are excessive or deficient.

Mr. Chairman, I want to call the attention of the members of this House and of the country to the enormous increase in the expenditures of this Government within the last forty years. It is appalling to think that such a difference exists between the expenditures of 1860 and those of to-day. I find, upon examination of the statements of the Appropriation Committee, that the total amount of appropriations for the year 1860 was \$82,301,207. Think of it! The appropriations for this entire Government forty years ago—a time within the recollection of a majority of the members of this House—amounted to only \$82,000,000 a year; and yet we find that the appropriations for this fiscal year, ending June 30, 1902, amount to \$730,338,575—almost a ten-fold increase in the expenses of the Government.

The great increase in expenditures has been made only in the past few years, as the appropriations for the fiscal year 1897 was \$469,499,010, while for the year 1900 they were \$674,981,022, and for the year 1901 they were \$710,150,862, an increase of \$250,000,000 a year over what they were prior to the Spanish war.

It is true that population has increased, but not in proportion to the expenditures. I do not say this, Mr. Chairman, to charge that one party or the other is responsible for it. It seems we have some members on this side of the Chamber who are willing to vote for an appropriation whenever the opportunity occurs as well as members upon the other side; but the appalling fact exists that in the last forty years there has been an increase in the expenditures of this Government of nearly 1,000 per cent, while the increase in population has been only 150 per cent. The population of the United States in 1860 was 31,443,321, while in 1900 it was 76,303,387. The tax upon the people in 1860 was only \$2.61 per capita, while now it is \$9.57 for each inhabitant. These figures show that we are going at a breakneck speed in the expenditure of money, and it is time we should call a halt on a bill of this kind, where the parties in the service are better paid than in the corresponding service of private companies.

Mr. Chairman, the very fact that resignations are not frequent in this service shows that these officers appreciate that they are getting as much if not more than they could possibly get in private life. It seems to me that this question ought to be considered by members of this House as if this were a private service of our own. I should like to know how many votes this measure would get in this House if it were a private service of our own. I warrant that not 10 per cent of our votes would be in favor of giving to men over the age of 64 years a pension of \$200 per month while they were rendering no service whatever.

Mr. LESSLER. Would the gentleman mind answering a question?

Mr. SHAFROTH. I yield to the gentleman.

Mr. LESSLER. How many members of this House have servants in their employ who go to Alaska and rescue men and devote themselves to trips of that sort?

Mr. SHAFROTH. They may not be in this House, but there are companies that have such men, who venture into all parts of the world, and there is hardly a fraction of 1 per cent that give annuities or life pensions to such employees.

Mr. LESSLER. Do you not know, for instance, that the big railroad companies, whose employees occupy dangerous positions, are establishing pension systems?

Mr. SHAFROTH. I think there are only two in the United States, the Illinois Central and the Pennsylvania Railroad. They are the only two that I know of.

Mr. LESSLER. It has got to start somewhere.

Mr. SHAFROTH. That may be, but it seems to me we are starting on a very high scale—three-fourths pay. If you examine the amounts paid by these companies as pensions they are insignificant. They are simply to keep people from going to the poorhouse. I understand the First National Bank of Chicago has established a similar system; but it makes every man in its service pay 3 per cent a year of his salary to create a fund. Then the fund goes to people who are retired after they reach a certain age. But the very fact that 99 per cent of the people in the commercial world do not carry out this principle shows that we would not do it under like circumstances in our private affairs.

Now, Mr. Chairman, remembering that we are here intrusted with the duty of voting other people's money away, is it possible that we should lavishly give money in every direction? We are acting in the capacity of trustees, and it is our duty to guard the Treasury and the money committed to our hands more zealously than if the money were our own. We all admire a man who becomes liberal and munificent in his gifts to people, because he is spending his own money, but we condemn him when the gifts are from the moneys of his ward. We also know that in cases of trust funds, even if our sympathy is extended, it is our duty absolutely to protect the funds, and in equity if we do not we are chargeable before a court to reimburse the fund out of our own money.

Mr. Chairman, this bill proposes to extend longevity pay to the officers of the Revenue-Cutter Service, increasing their salaries 10, 20, 30, and 40 per cent, dependent upon their service of five, ten, fifteen, or twenty years, and to place them on the retired list after they reach the age of 64 years at a salary of \$200 per month.

The pay of a captain who has been in the service twenty years will be \$3,500 per annum and \$576 for commutation of quarters. His compensation now is \$2,500 and \$480 for commutation of quarters, making a total of \$2,980 per annum.

This bill does not provide for an increase of salary or pension for the sailors in the Revenue-Cutter Service, who receive an insignificant sum, but applies only to the officers, who are already receiving more compensation than they could earn in other or like pursuits.

Why should we, after giving men life positions at large salaries, then give them large pensions to retire upon? It seems that it is still true that "To them that have shall be given."

What is the service of these officers? I have not a word of complaint against them. They are probably doing what was given them to do, and doing it well, but when it is pretended that this is a "terrible service," that they are required to work "day and night" month after month, as was stated by the gentleman from New York, it is claiming too much. Ah, Mr. Chairman, that claim is not in accordance with the facts. There happens to be a little record sent by these very officers into the Treasury Department every year of the exact number of days and hours each one of these vessels is at work, and I happen to have the record of these vessels and want to call your attention to it.

I find, Mr. Chairman, that there is one boat—the *Calumet*, at New York—which was at anchor three hundred and twenty-five days, thirteen hours and twenty minutes in the year, and it was sailing, under way, thirty-nine days, ten hours, and forty minutes, and that is "the day and night business for month after month" that gentlemen of this House are trying to make out as such a burden to these men in this service.

Mr. LESSLER. I should like to say to the gentleman that the *Calumet* was up at Chicago and was removed February, 1900. The collector of the port of Chicago, with a petition from the leading merchants of Chicago, asked the Secretary of the Treasury to send her back.

Mr. SHAFROTH. Well, I can not help that.

Mr. MANN. She was at New York when this report was made.

Mr. SHAFROTH. Now, we come to take another boat, the *Gresham*, at New York. The *Gresham* was 328 days in the year at anchor—328 days 9 hours and 10 minutes—and she was sailing 36 days 14 hours and 50 minutes. These are the gentlemen working day and night at all times. Take another New York boat, the *Hudson*. I find that the *Hudson* was at anchor 320 days 17 hours and 45 minutes during the year, and she was under way only 44 days 6 hours and 15 minutes. We will take the *Manhattan*, that is also stationed at New York.

Mr. LESSLER. Mr. Chairman, will the gentleman allow me to ask him—

Mr. SHAFROTH. I can not yield, my time is so limited.

The CHAIRMAN. The gentleman declines to yield.

Mr. SHAFROTH. The *Manhattan* was at anchor 309 days 9 hours and 25 minutes, and she was under way 55 days 15 hours and 35 minutes.

These, Mr. Chairman, are the New York boats; but it is not only at New York. You take the boat at Wilmington, for instance. There is a boat that was at anchor 312 days out of the year. You take the boat at Boston, the *Chandler*. It was at anchor 339 days and 3 hours out of the year; and out of the list which is here collected there is not a single boat, not a single one of these vessels, but was at anchor 300 days in the year, and the number of sailing days was less than 65.

Now, Mr. Chairman, these gentlemen, perhaps, did not have any orders that required them to do more work, and it was all right. I do not pretend to say but what they performed their duty well, and I do not mean to say that the officers are not good officers; but when men get up in this House and say that their service is exceedingly hard, and that they work day and night, month after month, that they go out at all hours, and that this service ought to be remunerated even more than the Navy, as one gentleman has said, it seems to me that these facts will not warrant such assertions.

This service of course is needed. It is a service that properly has been classed in the United States as a civil service. Since the foundation of the Government it has not been in the War Department nor in the Navy Department, but has been connected with the Treasury Department, and its very name—the Revenue-Cutter Service—indicates where it properly belongs. It is in the civil list at the present time, and there is no provision in this bill which transfers it to the Navy Department.

Now, when we extend the longevity pay, make a pension of \$200 a month for this retired list, and justify it by claiming the service is something like that of the Navy, are we not putting ourselves in a condition that when this bill is passed nearly every other service of the Government will say, "Why, the Revenue-Cutter Service is surely a civil service; it is not in the Navy Department. You have already broken over the line in the one case, why can you not do it in ours?" The Life-Saving Service will then present their claims. It is a service that is a great deal more in need of an increase pay and of retirement pension than this service. Therefore I hope, Mr. Chairman, that this bill will be defeated. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I fully appreciate the feebleness of anything I may say in reference to this bill, especially as I know that I will be followed on the floor by the ablest orator and debater in the House, for whose judgment I have great respect and for whose ability I acknowledge that I am unworthy even to unloosen the latches of his shoes.

I warn the House against being carried away by the eloquence of appeal to be made by the gentleman from Iowa [Mr. HEPBURN].

It has been with diffidence that I have even advanced any views which I had upon this bill. Indeed, Mr. Chairman, I may say that had I known a few days ago that I would meet the displeasure of the distinguished "constitutional expounder" of the law, I should have acknowledged my defeat and not made any speech or argument on the proposition at all. I am perfectly well aware that after the House has listened to the exposition by the gentleman from Maine [Mr. LITTLEFIELD] there remains nothing in the way of argument or facts to be submitted to the House. It is true that he has not devoted a year and a half of time, as he said I had, to the bill, but it is also true that with that wonderful eloquence and commanding brain of his, he only needs over night to glance at a subject to be familiar with its utmost details. [Laughter.]

A few days ago the gentleman was running from desk to desk in the House submitting an amendment to the bill which this morning he declares the bill was perfect without. The attitude of the gentleman from Maine, and my own attitude upon this bill reminds me of a story which my boy sometimes repeats: When the ark was landed on Mount Ararat and the animals under the supervision of Noah were leaving the ark, with all kinds of animals moving out of that vessel, the ant and the elephant happened to be passing out at the same time. And the great elephant from Maine said to the ant from Illinois, "Who are you a shoving off?" I am sorry that I have caused any disturbance in the masterful mind of the brilliant and eloquent gentleman who has expounded all constitutional questions upon this subject, as he has before upon the subject of the Porto Rico tariff and upon the seating of a Mormon from Utah. [Laughter.]

Mr. Chairman, there are practically two propositions in the bill pending, and the whole solution of this question depends upon, I believe, in the opinion of the House, whether this bill shall be considered as commencing a civil pension list or whether it shall be considered as giving a pension list to men now in the military service of the Government. I have heard it stated three or four

times by the advocates of this bill upon the floor of the House that the Revenue-Cutter Service was the first to fire a gun in the recent Spanish war. This statement, like many others upon the subject, is misleading and an error. The Revenue-Cutter Service did not fire the first gun at Manila. The first gun fired at Manila was fired through the negligence of the Revenue-Cutter Service.

When Dewey and his fleet were passing up the inlet to get into Manila Bay, with lights all concealed and the effort made to steal up without giving notice to the enemy of the approach, it was the revenue cutter there, the *McCulloch*, which gave notice to the enemy by permitting her smokestack to burn out. The revenue cutter *McCulloch* was in line, but the revenue cutter did not fire the first gun in the battle, if the revenue cutter's captain himself can be believed, whose report is printed in a report favoring this bill.

But I would not detract from the gallantry of these officers there. I have no doubt that the officers of the revenue cutter *McCulloch* at Manila were anxious to get into the fight. But they were not permitted to go into the fight; they were not in the battle at Manila Bay. They were kept on the outside as a dispatch boat, or an auxiliary boat.

Now, Mr. Chairman, the effort is made to show that in time of peace the Revenue-Cutter Service is one of great danger. This belief was exploited yesterday by the gentleman from North Carolina [Mr. BELLAMY], who said:

During the four months I have designated—December, January, February, and March—when it is sleeting and raining and freezing, these people are not even permitted to go into port except when necessary to make a report or to supply the ship with exhausted provisions or coal.

The gentleman from North Carolina stated that I had not been on a Revenue-Cutter vessel. He probably did not know whether I had or not. But whether I had or not has nothing to do with the question. The gentleman from North Carolina pretends to have great information concerning the doings of the Revenue-Cutter vessel located at his city, the city of Wilmington, N. C.; and he stated on the floor that this vessel was not permitted to go into port except when necessary to make a report or obtain supplies.

Now, I have here the report of the revenue cutter *Algonquin*, which is situated at Wilmington, N. C., and which is the vessel about which the gentleman was talking. This vessel, which, as the gentleman from North Carolina says, is not permitted to go into port except for the purpose of making a report or for supplies, has a record as to what it was doing during the months of December, January, February, and March. That record is on file in the office in the Treasury building, and I have here a compilation of what it shows. It seems that during December, 1900, this revenue cutter, which, according to the gentleman, is not permitted to go into port, had its anchor weighed three days and twenty hours; during January, 1901, it had its anchor weighed for a total of three days seventeen hours and twenty-five minutes; during the month of February, 1901, it had its anchor weighed for a total of four days five hours and five minutes; during the month of March it had its anchor weighed three days fifteen hours and twenty minutes. During the four months of which the gentleman speaks it had its anchor weighed not exceeding sixteen days.

Mr. BELLAMY. May I interrupt the gentleman?

Mr. MANN. Certainly.

Mr. BELLAMY. If the gentleman had referred to the RECORD of this morning, he would have seen that the instruction of which I spoke was issued November 26, 1901, so that the period of four months of which I spoke was December, 1901, and January, February, and March, 1902. If the gentleman has the record there, I ask him to read it.

Mr. MANN. Well, Mr. Chairman, I have not the record for the last month or for this winter. But the gentleman stated that from his knowledge the *Algonquin* was performing the same duties a year ago that it has been performing this last winter. I asked him the question, and he said he knew it was so. During the winter before last this vessel during a term of four months was in service on the seas for a total of time expressed in days of sixteen days. That was the time when, according to the distinguished gentleman, this vessel was not permitted to go into port except to report or to obtain supplies.

And that is not all. There is no vessel of the Revenue-Cutter Service which is occupied more than one-fourth of her time, if that much, in sailing on the seas or elsewhere. More than three-fourths of the time all of these vessels are at anchor. But, more than that, the whole claim made here in behalf of the Revenue-Cutter Service is that it is doing arduous duty and dangerous duty, succoring vessels or shipwrecked sailors upon the seas. Yet the very letter of instructions, which the gentleman from North Carolina has put in the RECORD, directs the Revenue-Cutter officers not to remain at sea in a gale or in a fog. The direction to the Revenue-Cutter officer is to go into port when the weather is foggy or when there is a gale.

But we have a record of all the vessels which this service has assisted. When this bill was before the House a year ago, I inserted in the RECORD a copy of the reports of the assistance rendered by the revenue cutters in 1897, which was the last report issued by this Department and printed.

Mr. McDERMOTT. Has the gentleman any statistics showing the length of time during the last year that the battle ships of the United States were at anchor?

Mr. MANN. I have not. But I take it, Mr. Chairman, that the solution of this question is not dependent upon the Navy. If there are abuses in the Navy they can be corrected in the proper way. The proper way is not by passing a bill to increase the abuses in another branch of the service.

Mr. LITTLEFIELD. Did I understand the gentleman to say that he had put in the RECORD a list giving the service of all these cutters?

Mr. MANN. I did not so state.

Mr. LITTLEFIELD. Excuse me; I did not quite get your statement. Will you please repeat it?

Mr. MANN. The gentleman has examined what I put in the RECORD, and his question is futile and idle.

Mr. LITTLEFIELD. The gentleman will excuse me—

Mr. MANN. The gentleman is taking up my time excusing himself.

Mr. LITTLEFIELD. I understood you to say that you were going to place in the RECORD some additional reports.

Mr. MANN. I would be glad to place in the RECORD everything which the Revenue-Cutter Service has done, and I dare the gentleman to put in the RECORD, as a representative of the Revenue-Cutter Service interests, what duty it has performed during the past year. Although this bill was before Congress a year ago, although the same opposition was then made, they have not dared to publish the report of their doings. Now, it is manifestly impossible for one member of the House to obtain all this information, but I have obtained some information in reference to this, which I inserted in the RECORD a few days ago.

Mr. LITTLEFIELD. Will the gentleman excuse me?

Mr. MANN. I hope the gentleman will not detain me too much.

Mr. LITTLEFIELD. I will hand you the report of the *Woodbury* for last year if you would like it. Do you care for it?

Mr. MANN. If the gentleman will leave it here, if I have time to examine it I will. The gentleman is endeavoring to take a very unfair advantage.

Mr. LITTLEFIELD. Excuse me; I am not.

Mr. MANN. With that eminent fairness which always characterizes him of trying to get a gentleman on the floor with his time limited to read something which he holds in his hand! Why did not the gentleman, if he wanted to show fairness, submit the paper to me before, and I would have examined it when I had time?

Mr. LITTLEFIELD. Well, I shall not bother you with it now.

Mr. MANN. Oh, you will not bother me with it at all. [Laughter.] It is impossible for the gentleman to bother me with it, notwithstanding his elephantine intellect. Now, Mr. Chairman, the report of the committee in favor of this bill states that this Revenue-Cutter Service assisted vessels last year which, with their cargoes—I do not want the gentleman from Maine to think that I am personal in any way—

Mr. LITTLEFIELD. Oh, that is all right. I am perfectly willing to have you personal, if you desire to be. I have not the slightest objection.

Mr. MANN. The report of the committee on this bill states that the Revenue-Cutter Service assisted vessels last year which, with their cargoes, amounted to a total of \$5,125,000, and it is the intention of this report to show that the Revenue-Cutter Service was valuable, because it saved property to the value of \$5,125,000. Now, the gentleman from North Carolina [Mr. BELLAMY] says that his vessel, the *Algonquin*, is out cruising all the time, in sleet and rain and freezing weather, for the purpose of rescuing distressed vessels. I have in the RECORD a compilation, not selected because they were favorable to my side of the question, but I selected all cases where the value of the vessel and cargo amounted to as much as \$75,000, and I have shown in the RECORD out of the \$5,000,000, which they claim was saved, the entire circumstances relating to about four and a half million dollars.

The only case where the vessel from Wilmington, the *Algonquin*, represented by the gentleman from North Carolina [Mr. BELLAMY] appears is in the rescue or assistance rendered to the vessel *Star Cross* on June 29 and 30, 1901. The captain reports: "Light-house in plain sight; sea smooth." There was no difficulty, no sleet, no rain, no freezing weather. The only case occurred in June, with a smooth sea, and then the vessel helped some tugs or wrecking vessels to pull a vessel off where it had struck the shore or struck bottom. I wish to call the attention of the House and I ask the gentlemen, if they wish to take the

trouble to examine each one of these cases—I call attention to the fact that there is not a single one where the Revenue-Cutter Service incurred any danger; not one. There are but few cases. The first case they report on the condition of the weather and tide: "State of tide and sea: Smooth sea; gentle, southerly swell."

What danger they were undergoing! The next case they report, "Smooth sea." The next case occurred in a harbor, where the sea could not be other than smooth. The next case occurred within a harbor, and consisted only in sending some men on shore to arrest a man whom they claimed had mutinied. The next case, "State of tide and sea: Flood tide, smooth sea." The next case occurred in San Francisco Harbor, where the sea was smooth. The next case occurred in the Yukon River, where the sea was smooth, and this case that I have referred to now is but a sample of the assistance rendered by the Revenue-Cutter Service, so far as assisting vessels is concerned, and I propose—it is very short—to read to the House the detailed statement of the casualty, showing the nature and extent of service rendered by the revenue cutter in that instance:

Vessel assisting, *Nunivak*.
Vessel assisted, steamer *Leon*.
Date, June 22, 1901.
Value of vessel with cargo, \$2,600,000.

Here is one-half of the property that was saved in the year, and you would suppose from the report that this was saved by arduous labor and at the risk of life on the part of the Revenue Cutter officers and men.

Detailed report: Arriving at Aphoon, mouth of Yukon River, June 22, 1901, found steamer *Leon* short of provisions for passengers and crew, she having been detained here a week by ice and her supplies exhausted. No prospect of ice clearing up for several days. None of the other vessels could assist her, as they, too, were running short, and no supplies within reach on the river. Loaned her from ship's rations 800 pounds flour, 50 pounds coffee, 72 pounds butter, to be replaced in kind at St. Michael.

Now, I grant that it was a desirable thing that the revenue cutter there should loan these provisions to this vessel *Leon*. I do not criticize them for what they did, but I insist that there was no arduous duty, no danger, no risk of life in loaning 800 pounds of flour to a vessel, and when they claim that they saved valuable property or assisted a vessel, the value of which amounted to \$2,600,000, it is utterly misleading.

The next report was in the Yukon River also, where they loaned in that case 200 pounds of flour, and take credit for saving property to the value of \$75,000. There is not a single case in these reports, which are taken from the head of the list, embracing \$4,500,000 out of the \$5,000,000—there is not a single case where a rowboat could have been turned over by the waves of the sea.

Oh, yes; valuable service! I do not believe that anybody can find out what the Revenue-Cutter Service actually does, outside of boarding vessels and examining their papers. It seems to me that they do not show any arduous labor in time of peace which entitles them to be placed on the pension roll.

As many men have been killed in a year—during the last fiscal year—in the Railway Mail Service in the discharge of their duties as have been killed in the Revenue-Cutter Service during forty years of time. More men are killed in the Life-Saving Service in a year than have been killed in the Revenue-Cutter Service in forty years' time. As many men lost their lives in the Life-Saving Service a few days ago as have been killed in the Revenue-Cutter Service in forty years of time. More men lost their lives in the Railway Mail Service in a wreck down here a few days ago than have lost their lives in the Revenue-Cutter Service in forty years' time. I do not say that that is any reflection upon the Revenue-Cutter Service. Far from it. They have no occasion to come into great danger.

But, oh, they say, in time of war! Mr. Chairman, the Revenue-Cutter Service is not a fighting force in time of war. It is simply a dispatch service. It is not on the firing line in time of war.

Mr. MAHON. They can be sent there at any time.

Mr. MANN. Oh, yes; they could be sent there, but they are not sent there. They do not receive injury. Why, here is a case, probably, of great gallantry at Cardenas, when Ensign Bagley and those on his naval vessel were being shot to pieces, when half of the men on the naval vessel were killed; it is true that a revenue cutter, the *Hudson*, pulled the naval vessel away. It is true also that half the men on the naval vessel were killed, and that no man had his skin scratched on the revenue cutter.

Mr. MAHON. They must have been pretty close when they pulled the boat off.

Mr. MANN. Oh, yes; and the gentleman from Pennsylvania would suggest that it may have been an accident. It is a peculiar accident that not an officer has been injured in the Revenue-Cutter Service in time of war for many years.

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. MANN. Yes.

Mr. MAHON. How many men were killed in the naval battle at Santiago?

Mr. MANN. I believe one only, but a number were injured, and no revenue cutter was in the fight.

Mr. MAHON. How many at Manila?

Mr. MANN. There were several injured there, I think, and I believe there was one killed. One died of apoplexy. But no revenue cutter was in the fight at Manila.

Mr. MAHON. The first boat that went in was a revenue cutter.

Mr. MANN. That shows that the gentleman is not informed as to history. I have not time to argue about facts of history.

Mr. MAHON. A revenue cutter went in to look for the torpedoes.

Mr. MANN. The first boat that went into Manila was not a revenue cutter.

Mr. MAHON. The *McCulloch*.

Mr. MANN. It was not the *McCulloch*. The Revenue-Cutter Service is not a fighting force in time of war. But, Mr. Chairman, if it were, its officers would be no more than the volunteers. The State which I represent in part had more than 800 men in the Navy as volunteers during the Spanish war. They are not put upon the retired list. They went into the Navy, losing their positions and salaries at home. They are not asking to be placed upon the retired list. They were in the fighting ships; they were not on dispatch boats; and I think the gentleman from Pennsylvania and others have constituents who were in the Navy, fighting in the Spanish war, and they are not asking to be put upon the retired list, and if they were the request would not be granted.

Mr. MAHON. Some of them have been put on the pension roll.

Mr. MANN. Yes; but nobody has been put on the pension roll on account of being injured in the Revenue-Cutter Service. There was no officer injured during this Spanish war, injured in the service. There were two who died from apoplexy, but none were injured, and if injured they would have been entitled to pension.

Now, Congress has since recognized anything which the Revenue-Cutter Service did during the war with Spain. They retired the captain of the *McCulloch* at full captain's pay. They gave a gold medal for the gallantry displayed by Lieutenant Newcomb at Cardenas. And now the other officers of that service are here endeavoring unjustly and unfairly to fatten on the deeds of those two men. A letter has been read by this distinguished son of Maine from the Secretary of the Navy.

This letter says that this service ought to be put under the Navy. I agree with that. I believe it ought to be a part of the Navy. It absolutely has nothing to do at present. I would be willing to transfer this service—men, officers, and vessels—to the Navy, where it might be made a part of a system. But here is a bureau intended to be a new navy of itself; and when Secretary Long says in the letter read that this is the first step toward putting it in the Navy I beg to disagree with him. If this bill passes, the Revenue-Cutter Service will for all time remain by itself, enlarging its force, increasing its number of vessels and its officers, but it will never go to the Navy. It will, on the other hand, be a handle for the passage of a civil pension list for every branch of the service.

Why, gentlemen, we have to meet that question soon. There is a committee in Washington engaged here for some time preparing a bill for introduction in this Congress to put a retired list into every branch of the public service. It claims that they have responses from more than 20,000 Government employees. Now, I put it to you fairly. You know very well that if this bill passes it passes because of the insistence here of the men and officers of the Revenue-Cutter Service itself. If Congress can not resist 215 Revenue-Cutter officers, what chance is there to resist 20,000 or more employees of the Government? There is no man in this House but has Government employees in his district. I do not say that a retired list is improper. I have been inclined to the opinion that a proper retired list or a civil pension list might be a good thing. I think that every man who loses his life or is injured in the Life-Saving Service or in the Railway Mail Service ought to be covered by the pension list.

I am not sure but what the old men in the Treasury ought to be put on the retired list. But I would never propose a civil pension list that begins with \$200 a month, as this does. Here is a proposition commencing a civil-service pension list at \$200 a month. If we can not draw the line between the Navy and the Revenue-Cutter Service, how will it be possible to draw the line between the Revenue-Cutter Service and the Life-Saving Service? How will it be possible to draw the line between the Revenue-Cutter Service and the Railway Mail Service? There is such small gradation or degrees of gradation between the different services of the Government that once you place one branch of the service on a pension list you will have commenced that which must end with all branches of the service. I appeal to this House to be careful before it commences a civil pension list. There is no end; when you open the door it is open for all the employees of the Government for all time. [Loud applause.]

Mr. HEPBURN. Mr. Chairman, I would like to inquire if the time of the opponents of the bill has been entirely exhausted?

The CHAIRMAN. It has.

Mr. HEPBURN. How much remains?

The CHAIRMAN. Forty-five minutes remains to the gentleman from Iowa.

Mr. HEPBURN. Mr. Chairman, I am not prepared to congratulate the gentleman from Illinois upon the condition of mind when he is prepared to express disapprobation because a larger number of American citizens have not been slaughtered in war. It is an unhappy frame of mind, I would suggest to the gentleman, if I was permitted; and I am glad to believe that there are but few of his colleagues that sympathize with him in the expressions that he has made in that part of his speech.

We have wandered a long way, Mr. Chairman, from the real questions presented in this bill. We have a service known as the Revenue-Cutter Service. It consists of a little more than 200 officers, and something more than 1,100 enlisted men, of about 40 vessels armed with seventy-odd guns. These vessels with their armament, modern in character, fully up to date, presents an infinitely more formidable naval force than the Government of the United States had at the date of 1835. There never was a time up to that date—in war or peace—when the naval power of the United States was so formidable as is this much contemned and sneered service—the Revenue-Cutter Service.

The propositions of this bill are mainly to place the officers of the Revenue-Cutter Service more nearly upon a par with the other branch of the maritime naval service. It proposes to do so by the reviving of an old law relating to the relative rank of the officers of the two services, made necessary in part because of a change in the name of certain of the naval officers, and with the addition of one grade to the Revenue-Cutter Service since that enactment was made.

It next provides for the retirement of these officers on a par with the officers of the Army, not with the officers of the Navy. There is a distinction and a broad one, and the Revenue-Cutter officers and their friends have not asked that the more valuable retirement provision of the Navy should be made applicable to them. These officers, if retired, will be retired in the grade in which they served at the time of retirement. Not so with the naval officer. He is retired in a grade above that that he holds at the date of his retirement, and he has the pay and emoluments of that higher grade.

Again, officers of the Navy may be retired at least four grades—captains, commanders, lieutenant-commanders, and certain lieutenants may be at any time retired, not after thirty years of service, not after forty years of service, not after they have arrived at the age of 64, but at any time. Under the provisions of an act that the gentleman from Illinois [Mr. MANN] voted for only a little while ago they may be retired. Again, an officer of the Navy may be retired although the cause of disability has had no relation whatever to his service, and although it may be the result of his own vicious habits. Not so with the Army or with the retirement that is proposed to be given to these officers.

Now, Mr. Chairman, what are some of the objections made to this bill? The first fifteen minutes occupied by the opponents of it—by the gentleman from Illinois—were devoted to this complaint: The bill ought not even to be considered, because the Revenue-Cutter Service have not made that character of report that the act of 1898 required them to make. The act of 1898 requires no report from any officer of the Revenue-Cutter Service. It requires a report of expenditures from the Secretary of the Treasury. The gentleman knew why that was not made. He had the information why its failure had occurred. He had it at the time that he made that complaint and this charge of criminality against the Revenue-Cutter Service. He said that it was because they dared not make that report; because they were afraid to make it. He had, from the Secretary of the Treasury, a letter stating why it was not made and explaining why the error occurred—a true statement, that evinced no dereliction of duty, a mere mistake, and yet it was such a one as passed the scrutiny of the chairman of the Committee on Appropriations, not friendly to this bill, who went on making the appropriations just as though it had been made, with all the information that was needed.

The gentleman from Illinois was unwilling to support this bill because he had not information. Your attention has been called to the year and a half that he expended in this vain search for knowledge, and yet he knows, and I know, because he was compelled by his own sense of fairness ultimately to acknowledge it, that all the information possessed by anyone was laid before him and that he was furnished by an intelligent clerk with the books of the Department, with every facility for acquiring all of the knowledge that he could want with regard to an intelligent understanding of the relation of this body of men to the Government of the United States. The Secretary says that he was misled by a marginal note on the page opposite the section requiring this report; that he understood that it was a detailed statement of estimates that was to be made. That is all there is in that.

The gentleman then found fault, and seriously insisted that this bill ought not to pass, because there was not a list of the employees of the Revenue-Cutter Service on the Blue Book. He regarded that as an offense that they had omitted to put their names there, notwithstanding that most American citizens are glad to have their names there, and rather, I am informed, seek the opportunity. But when we come to investigate we find that the names are there. Everyone connected with the Revenue-Cutter Service is found where it should be, under its appropriate head, on that Blue Book. That ought to remove the gentleman's second objection.

The third one that was urged is, and that one was more strenuously urged by the gentleman from Tennessee, that this is to establish a civil pension list. That depends, Mr. Chairman, upon the relation that this service bears to the General Government. Is it civil in its character or is it military? The gentleman from Pikes Peak, perched pleasantly upon the summit of that vast mountain, taking in that comprehensive view that from that point he may survey the military and naval establishment of the United States, does not hesitate to say that it is civil. [Laughter.] Then my friend from Tennessee, from his home by the side of that magnificent spring in Huntsville, so wonderfully adapted to nautical pursuits [laughter]—

Mr. RICHARDSON of Alabama. Mr. Chairman, I do not want to lose my identity entirely. The gentleman ought to know that I am from Alabama.

Mr. HEPBURN. I intended to compliment the gentleman first, but now since my attention is called to it I will compliment the State of Alabama by making the correction. [Applause.] The gentleman from that beautiful spring so adapted to nautical pursuits has determined that this is a civil service, that there is nothing military about it; and both of the gentlemen in furtherance of their arguments have said that one of the reasons why they came to that conclusion was that the Revenue-Cutter Service never fought except in time of war. [Laughter.] Why, my God, my friends, when would you have them fight? [Laughter.] Do you want them so organized as is my friend from Illinois, who is ready to fight all the time and everything? [Laughter.] When I have observed that peculiarity upon the part of my friend from Illinois I have thought that if the theory of transmigration of souls is true and he hereafter appeared as a later incarnation, he would have the semblance of a mule with four hind legs all in active operation. [Great laughter.]

Mr. Chairman, these gentlemen fight only when the other soldiery of the United States fight. And in time of peace they are put to other duties.

Mr. RICHARDSON of Alabama. Will my friend—

Mr. HEPBURN. I would rather the gentleman from Tennessee would not interrupt me.

Several MEMBERS. Alabama! [Laughter.]

Mr. HEPBURN. My apologies all around are duplicated. Without disparagement of our naval establishment, in which we all take pride and for which we are all willing to do all that may be necessary to make it reach up to the highest standard of completeness, what do they do in times of peace? The objection which these hypercritical gentlemen make with regard to the Revenue-Cutter Service being pacific in times of peace can be made against the naval establishment much more forcibly. After hearing these authorities, the gentleman from Colorado, and the gentleman from Alabama, and the gentleman from Illinois, who know nothing about the subject, vociferating so earnestly that these Revenue-Cutter officers are a civic body, I would like to call attention for a moment to the opinion of a man who knows something about the subject. I read from a report of a Secretary of the Navy—not of the Treasury, but of the Navy:

The service of the cruising cutters is strictly naval.

Will the gentleman from Colorado listen to that?

The duties of the officers are not distinguishable in kind from those of the naval officers.

Will the gentleman from Alabama note that?

The discipline is naval, as far as naval discipline can be carried on outside of the Naval Department. The cruising cutters carry armaments of from one to four guns. The crews are armed with small arms. Broadside guns are furnished by the Navy Department. In time of war these vessels have always been pressed into the naval service.

Will the gentleman from Illinois note that? This is from one of the most distinguished of all the naval secretaries, in my judgment, that we have ever had; a man to whose efforts we owe largely the Navy we have to-day; a man whose influence, more than that of any other living man, has made our naval establishment the splendid feature that it is of our civilization.

A MEMBER. Who was he?

Mr. HEPBURN. That was Secretary Chandler. I now read from the report of another Secretary of the Navy:

Now, as I understand, the objections of officers of the Navy to this bill—

A bill largely similar to this—

they have come to be practically merely sentimental. In the first place, they

say it is not a military service. My answer to that is that whether it is a military service or not depends entirely or very largely on the officer who commands the ship. It is certainly a military force. It has commanding officers, inferior officers, and men—privates who are subordinate. It is organized; its organization is a military organization.

Why, sir, at the very beginning of the career of the cadets they take a military examination. So far as the studies are concerned, before they enter the service they must have those attainments that will entitle them to the prospects of success. Throughout their whole two years at school the studies are of that character. The higher mathematics—all that pertains to drill—everything that they study is in its nature fit for military training and military service.

Every one of these vessels of later construction is armed. Every day there is a military drill of the crews. They are drilled in the use of the cutlass, the use of the revolver, the use of the carbine, the use of the broadside. It is all military, and they have been able to show with what alacrity they can assume the sterner duties of war.

I was sorry to hear my friend from Illinois attempt to belittle the service of these men. It is not so comprehensive, it has not been so broad a school, as are the performances of the Army or the Navy. Why? Because of the limitations of the number of men and of ships. But everywhere where they have had opportunity they have reached up to the full measure of valor that is expected of American soldiery.

Reference has been made to the affair at Cardenas, and sneeringly to the part performed by the Revenue-Cutter Service on that occasion. What was that? Three vessels were sent in shoreward for a purpose. They came within the range of powerful masked batteries. One of the vessels was disabled. Her commander was either wounded or killed. The next officer in command was disabled. More than half of her crew were weltering on her decks in their own blood. She was in the extremest peril, drifting inward toward the battery and on to the shoals.

There was another naval vessel with her. The little flotilla consisted of two naval vessels and one revenue cutter. I have no criticism to make upon the conduct of one of those naval vessels, yet when the time of trial came, when the time of rescue came it was the *Hudson*, the revenue cutter, that responded, while the others sought safety at sea. [Applause.] And there, as the Secretary of the Navy tells the story, for more than an hour, in the very vortex of that terrible fire, this vessel labored to secure a hawser to the naval vessel, in order to carry her out, and after securing it the hawser parted, and again the labor had to be undergone, and for an hour this condemned revenue cutter stood there at her post, every man doing his duty, and finally she brought to safety the naval officers and men. [Loud applause.]

I say that in all the records of the last war, in all the naval stories that I have ever read, there is not one to be found where more of heroism was exhibited than by these officers of the Revenue-Cutter Service; and, Mr. Chairman, on all occasions wherever they have been called upon, they have met the full measure of duty.

Now, the studies of all the officers are military. Military tactics are taught them and they have a daily military drill. They wear the uniform of the Navy. Their ships are armed as are naval vessels. They have all the skill that the naval vessels have, and on all occasions when the Navy is engaged in war, they are engaged in war, and yet gentlemen set up the pretense that this is a civil employment, and that these men are civil officers.

Mr. Chairman, it stands to reason that these officers, man for man, are more valuable than are the naval officers. I do not hesitate to make that assertion. They spring from the same source; they are our American boys; they have the same culture, except in perhaps some of those things that many of us would say were not necessary to fit them for purely military duty. They have the same drill, the same instruction as soldiers; they are familiar with the same kind of weapons. They have all of the experience that the others have in times of war, and then they are kept upon the sea, the gentleman from Illinois to the contrary notwithstanding. The naval officer has his tour of sea duty and then a like period on shore. These men are always upon the sea, they are always upon the sea when seamanship is most needed, and when opportunities are ripest for seamanship to be acquired.

It is when the storm comes, I say; when there is danger along the coast, I say; when the naval vessel seeks the security of the port if she can, that these men go out to rescue life and to render assistance. It is in the storm that they are bred and that they study their seamanship; and so I say that, man for man, in my judgment, when the officer has reached the age of 40 or 45, all of the probabilities are in favor of the Revenue-Cutter officer being the better, the more experienced, the wiser, and the safer navigator and commander of his ship. I do not think that it ought to be contended that this is a civil service. Gentlemen have said that the title of this bill is deceptive; that it is said to promote the efficiency of the Revenue-Cutter Service, while there was

nothing to be found in its provisions except provisions promoting the interests of certain of the membership of that service.

Mr. Chairman, there are to-day 14 officers who have served long and faithfully in this service who have reached the age that brings incapacity, or who are suffering now from the vicissitudes of service to that degree that they can not perform their duties. They can not be retired. We are in the condition that twice before has confronted the Congress. Some eight or ten years ago, or perhaps a little longer, it was found that there were nearly 20 of these officers, all filling the highest ranks, that were incapable of service. One of them, I remember, was then 84 years of age. Several of them had passed the age of 70. Yet there was no method by which they could be replaced, and so an act was passed limited to them, however, that authorized their retirement. Four, five, or six years ago the same condition was found to exist, and again an act was passed so that perhaps 15 more were retired, and now there are 23 men, I think, on this retired list.

There are fourteen or sixteen who are to-day in the condition that their comrades were at the period of this legislation. Will it not promote the efficiency of the Revenue-Cutter Service to relieve it of those incapacitated men? Will it not promote the service to give promotion to those that remain, to let them see that there is some hope of advancement in the service of their choice? Does not the doing of justice to one stimulate a little more, a good deal, perhaps, to more efficient service, to more of zeal. We are apt to take deeper interest in those who have an interest in us and manifest it by good deeds than those who do not, and these men would only be human if some such thought sometimes crossed their minds, so I can see that there is in this bill provision for promoting the efficiency of the Revenue-Cutter Service, and that the bill is not deceptive and that it ought to pass.

I have taken the liberty of reading the opinions of some gentlemen whose opinions were worth while. As early as 1872 Mr. Boutwell, then the Secretary of the Treasury, advocated the passage of a somewhat similar bill to this. In 1873 Secretary Richardson recommended the same. In 1876 Secretary Morrill made a somewhat lengthy report and argument in favor of the passage of a relief measure of this kind. In 1881 Mr. Folger made the same recommendation; and right here I would like to put the opinion of a Secretary of the Treasury whose duty it was to know against the opinion of the gentleman from Illinois on this subject:

In view of the constant activity required of them in time of peace as well as war and of the hazard involved in their service—

Will the gentleman please note the words I have taken the liberty to emphasize?—

activity and hazard involved in their service, their cruising being mostly upon the shallow waters and dangerous courses near the coast, subjecting them during the inclement winter season to extreme hardship and danger, their claim to pensions seems to be well founded.

Ah, how these adroit and cunning fellows of the service have pulled the wool over the eyes of the Secretaries, and how grateful some benighted Secretary will be to the gentleman from Illinois [Mr. MANN] for having devoted his eighteen months to unearthing all these frauds and bringing these reptiles of the sea into full view!

But again, Mr. Folger, not content with his argument in 1881, repeated what he had to say in 1882, and then in 1894 Mr. Carlisle had something to say on the subject. I do not know whether that distinguished gentleman is an authority upon the other side of the House now or not, but he discussed this subject. He devoted considerable time to it, occupying more than a page in his report, in which he used this language:

There is no branch of the public service which in time of peace requires such continuous, laborious, and hazardous service as this, nor is there any other branch in which the compensation is so inadequate. The duties imposed upon the officers engaged in this service often subject them to great exposure and hardship, and require the exercise of a high order of skill and discretion, and it is therefore of the first importance that the mental and physical qualifications of the force should not be impaired by the retention of old, infirm, or otherwise disabled officers.

Well, my Democratic brethren, listen to that! This ought to be good authority.

Mr. Chairman, if I can not succeed in attracting the attention of members on the other side to the utterances of John G. Carlisle, I wish you would try and keep order. [Laughter.]

The CHAIRMAN. The committee will be in order. Gentlemen standing in the aisles will kindly take their seats.

Mr. HEPBURN. Again, in 1896, Mr. Carlisle called attention to this branch of the public service.

Mr. Gage, in 1897, called the attention of Congress to a bill substantially similar to this in his report, occupying more than a page of that report. Again, in 1898, and again, in 1899, he devotes two pages to the subject. Again, in the report of 1900, he devotes a page and a half to it, and again, in 1901, most earnestly calls the attention of Congress to the subject.

Two Presidents of the United States have urged upon Congress the performance of this duty. President McKinley especially challenged the attention of this body and the other to the report of the Secretary, and indorsed the arguments that he made,

reiterating his recommendation and doing all that he could to challenge attention to the subject.

Gentlemen, it is and has been a vexed question. It is a justice that has been long delayed. Yet I take it it is none the less just because we have failed to respond to this demand of duty. I have no hesitation in affirming that these men are entitled to this tardy justice, that they are entitled to it now, and that the measure of justice we propose to mete out to them is that which this House has meted out to others situated as they are with no more of demand, with no more of the pleadings of justice in their behalf. I think that we owe it to our old comrades. There are today in the naval service of the United States, I am told, ten veterans who served in naval warfare during the war of the rebellion. All ten of those men are to-day rear-admirals in the Navy of the United States.

There are 30 men or more now in the Revenue-Cutter Service of the United States, no one of them ranking higher than a captain, and not more than four or five drawing half the pay of the admirals. The one survivor of that most memorable of naval battles that took place in Hampton Roads in 1862 between the *Monitor* and the *Merrimac* is now in the Revenue-Cutter Service of the United States. His comrade died only a little while ago, and was one of those survivors who stood by the side of Worden, directing the movements of his ship when he received his disabling wound, the one for all these years a rear-admiral, the other simply a lieutenant and captain in the Cutter Service.

Gentlemen, it is unworthy of the American Congress, and I ask you now to right the wrong so long permitted, to bring about that justice so long delayed, by passing this most meritorious and just bill. [Applause.]

The CHAIRMAN. The time fixed by the order of the House for general debate having expired, the Clerk will proceed with the reading of the bill by paragraphs for amendment.

The Clerk read as follows:

Be it enacted, etc., That on and after the passage of this act the commissioned officers of the Revenue-Cutter Service shall be as follows: Captains, first lieutenants, second lieutenants, third lieutenants, captain of engineers, chief engineers, first assistant engineers, second assistant engineers, and constructor; and the captain of engineers, chief engineers, first assistant engineers, second assistant engineers shall have the rank of captain, first, second, and third lieutenants, respectively; and the constructor shall have the rank of first lieutenant.

Mr. MANN. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend section 1, after the word "lieutenant," in line 11, by adding the following: "Provided, however, That there shall be no increase in the number of officers upon the active list over the present number in each class or grade."

Mr. MANN. Mr. Chairman—

Mr. HEPBURN. I think there is no objection to that.

The CHAIRMAN. Does the gentleman desire to discuss the amendment?

Mr. MANN. I do not care to discuss it.

Mr. HEPBURN. I will vote with you for it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and the amendment was agreed to.

Mr. MANN. Now, Mr. Chairman, I move to strike out all of section 1 after the enacting clause.

Mr. HEPBURN. I raise the point of order against that motion, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HEPBURN. That would leave the bill in an entirely incomplete form. The motion to strike out all after the enacting clause must be an entirety—the bill—and not a single section of the bill. That is one of the methods of terminating the consideration of a bill, one of the parliamentary methods, to strike out all after the enacting clause. That ends the measure; and the motion is used only for that purpose.

Mr. MANN. My motion was to strike out all after the enacting clause.

Mr. HEPBURN. I know; and that does not subserve that parliamentary purpose.

Mr. MANN. That does not subserve that parliamentary purpose and is not intended to subserve that parliamentary purpose. Does the Chairman wish to hear me further on the point of order?

The CHAIRMAN. The Chair is ready to rule. A motion to strike out the enacting clause under the rules and practice of the House is, if adopted, fatal to the bill. It is expressly declared in Rule XXIII, section 7, that such a motion, if carried, shall be considered equivalent to the rejection of the bill. The proposed amendment, however, is to strike out not the enacting clause, but that portion of the section or paragraph following the enacting clause. What effect the striking out of that part of the paragraph will have upon the bill is for the committee, and not for the Chair, to determine. The Chair therefore overrules the point of order.

Mr. MANN. Mr. Chairman, I do not see why this section is

put in the bill. There is no change, as I understand, made as to the number of Revenue-Cutter officers in section 1. It does not destroy the harmony of the bill at all if it is stricken out. It simply, so far as I can see, reenacts the existing law, which now provides who Revenue-Cutter officers shall be. Now, here is a section, and I invite the attention of gentlemen to the fact, the only change and the only purpose of any change in this section is to enact the present law, is to take the engineers out of the engineer force and make them line officers.

Now, I have no objection to that in one respect. I voted for the naval personnel bill in the House, supposing that that was the only thing in the bill. My information is, and whether it is correct or not I do not know, that that bill has not been a good thing for the Navy; and if this section is enacted into law as to the Revenue-Cutter Service of the country it simply means that the warrant machinists and the machinists do all the engineer work and the engineer officers on a line with the other officers attend to the duties of the other officers. If there is any need of engineer officers in the Revenue-Cutter Service, and I take it there is, then we ought to leave these engineer officers.

There is no use, unless it is a purely social distinction, in saying that the chief engineer shall have a certain rank with the other officers, that the chief engineer shall have rank as first lieutenant. What is the meaning of that part of the bill? The engineer officer would not be placed in command of a vessel. What is the object? In the bill there is no other change of existing law. This simply defines who the officers shall be in the Revenue-Cutter Service. The law now provides for that. The amendment which has already been adopted to the bill, if the section remains, provides that there shall be no increased number of officers. That section as read would have granted an unlimited increased number of officers. I can see no reason for keeping this section in the bill at all. It does not destroy or affect the harmony of the bill in any other respect whatever.

Mr. SHERMAN. Mr. Chairman, the section of the Revised Statutes which provides for Revenue-Cutter officers provides that each boat shall have one captain, one first lieutenant, etc. This does not change that law, so far as that is concerned, but this will preserve in some degree the symmetry in the law. It provides in one single statute all there is in the Revised Statutes in reference to the officers of the Revenue-Cutter Service, and I hope the amendment will not prevail.

Mr. MANN. How does it affect the symmetry of the bill? I do not know.

Mr. SHERMAN. It puts into this one statute all the law relating to the officers which is contained in sections 2749, 2950, and 3059 of the Revised Statutes. It puts them altogether into this one act. It consolidates the law.

Mr. MANN. You mean it simply takes two consecutive sections of the Revised Statutes and puts them in one?

Mr. SHERMAN. It does that, and does more.

Mr. MANN. I would like to understand, if I may, what more it does, if the gentleman can inform the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois to strike out all the first section after the enacting clause.

The question was taken and the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 2. That the said commissioned officers shall rank as follows: Captains with majors in the Army and lieutenant-commanders in the Navy; first lieutenants with captains in the Army and lieutenants in the Navy; second lieutenants with first lieutenants in the Army and lieutenants (junior grade) in the Navy; third lieutenants with second lieutenants in the Army and ensigns in the Navy; *Provided*, That whenever forces of the Navy and Revenue-Cutter Service shall be serving in cooperation pursuant to law (section 2757, Revised Statutes), the officers of the Revenue-Cutter Service shall rank as follows: Captains with and next after lieutenant-commanders in the Navy; first lieutenants with and next after lieutenants in the Navy; second lieutenants with and next after lieutenants (junior grade) in the Navy; third lieutenants with and next after ensigns in the Navy.

Mr. LITTLEFIELD. Mr. Chairman, I am advised by the committee that they withdraw the amendment they suggested, and I now offer in lieu of that an amendment that is drawn to accomplish the same purpose, but in different language. It was drawn by Admiral Evans, of the Navy, and therefore is more satisfactory to the objections of the Navy from a technical point of view.

The CHAIRMAN. The Chair will state that the bill does not show any committee amendment.

Mr. LITTLEFIELD. Then there is no necessity of withdrawing any amendment.

The CHAIRMAN. The gentleman from Maine offers the following amendment which the Clerk will report.

The Clerk read as follows:

Add at the end of section 2 the following:

"*Provided further*, That no provision of this act shall be construed as giving any officer of the Revenue-Cutter Service military or other control at any time over any vessel, officer, or man of the naval service, nor shall any naval officer exercise such military or other control over any vessel, officer, or man of the Revenue-Cutter Service, except by the direction of the President."

Mr. MANN. Mr. Chairman, the gentleman from Maine showed me the amendment which has been offered, but since he showed it to me I would like to call his attention and the attention of the gentleman in charge of the bill to a fact. This amendment is a concession, as I understand it, and provides that a Revenue-Cutter officer shall not have command of a naval vessel where the naval vessel and the Revenue-Cutter vessel cooperate. Would not it, on the same line, be advisable to insert after the word "Navy" the word "Army," because this bill would place the military force of the Government under the control of the Revenue-Cutter officer if they happen to be serving in cooperation, as might be the case?

Mr. LITTLEFIELD. I will say that, so far as I am concerned, I am not thoroughly advised as to the relations that may exist between the two services. Admiral Evans suggested that this would be entirely sufficient for the Navy.

Mr. MANN. Yes, as to the Navy; but the gentleman understands the reason of making the relative ranks of the Army and Navy is to determine who shall have command when they cooperate. Here is a proposition that will leave the Revenue-Cutter officer in command if he cooperates with the captain of the Army.

Mr. LITTLEFIELD. So far as I am advised, I do not know that anyone interested in or representing the Army establishment has made any complaint or raised any objection to this. I do not undertake to say that there may not be something in the gentleman's point.

Mr. MANN. Nobody has spoken to me from the Navy on the subject.

Mr. LACEY. I would like to ask the gentleman from Maine a question.

Mr. LITTLEFIELD. Very well.

Mr. LACEY. As I read the amendment, it prevents any officer of the Navy taking command over a revenue cutter unless directed to do so by the President.

Mr. LITTLEFIELD. That is correct.

Mr. LACEY. So if the revenue cutter came into line, he would have to wait and telegraph the President of the United States before the Navy could use that ship in evolutions about to be performed.

Mr. LITTLEFIELD. The Revenue-Cutter Service does not cooperate with the Navy except under the direction of the President of the United States in the first instance. So the condition suggested by the gentleman from Iowa is not likely to occur.

Mr. LACEY. We already have a law for that. Here is a provision where if a Revenue-Cutter vessel comes to the aid of a naval officer you make the proposition that the naval officer shall not take command over the revenue cutter unless you get the direct action of the President of the United States upon that proposition. Now, it seems to me that this is an unnecessary limitation. If we are going to put the cutters upon the open water with the Navy because they are needed in war, why should they not be commanded by officers of the Navy with whom they are to cooperate?

The CHAIRMAN. The time of the gentleman from Illinois has expired. [Laughter.]

Mr. LITTLEFIELD. I move to strike out the last word in order to answer the gentleman from Iowa. I will say that this amendment, not in the precise language that this is drawn, was submitted to the Secretary of the Navy, and was approved of by the Secretary of the Navy, also by Judge-Advocate-General Lemly, and takes care of the conditions referred to by the gentleman from Iowa.

Mr. MANN. Will the gentleman yield to me?

Mr. LITTLEFIELD. Certainly.

Mr. MANN. Is there any desire on the part of the friends of the bill to place the captain of the Army under the direction of the captain of the Revenue-Cutter Service?

Mr. LITTLEFIELD. Not at all.

Mr. MANN. What harm would there be in inserting after the word "Navy" the word "Army."

Mr. HEPBURN. Why should that be done? Can the gentleman point to an instance where the Revenue-Cutter Service and the Army ever served together, so as to bring about the possible collision that is spoken of? In point of fact, this is simply a matter of sentiment. There has never been, I am told, a conflict of any character with regard to who should command when revenue cutters and naval vessels were serving together. During a hundred years that occasion has never happened. Yet for the purpose of yielding to a sentiment we have consented to this provision. As appeared from an extract which I read, and which gentlemen will remember, there was some sentiment on the part of certain naval officers on this subject; but there never has been a contention of any kind with reference to the Army. The gentleman from Illinois is simply encumbering the bill by undertaking to provide for a condition that never has been heard of and probably in the nature of things can not be heard of until our Army becomes webfooted. [Laughter.]

Mr. MANN. Now, I think the gentleman, if I can have his at-

tention, will acknowledge his mistake. There has never been, up to the present time, any condition of existing law which could possibly place a Revenue-Cutter officer in command over an Army officer. But here we have a bill which, if enacted into law, will say that a Revenue-Cutter officer shall rank with certain Army officers. That provision might place the Revenue-Cutter officer in command. Such a condition never has occurred before, because it could not under the law as it has heretofore existed.

The CHAIRMAN. The time of the gentleman from Maine [Mr. LITTLEFIELD] has expired.

Mr. GROSVENOR. Mr. Chairman, I move to amend by striking out the last word. I do not believe that the careful attention of the gentleman from Illinois to the wording and force of this bill ought to be accepted by the friends of the bill. I take it that he will not vote for the bill, and that his care and attention and zeal as to the precise meaning of the language is not exactly in the direction of a fatherly interest for the outcome of this legislation. I presume that if we confirm all his suggestions he will yet vote against the bill upon the great question that he has been fighting about here for three or four days. I think the friends of the bill had better amend it as they see fit, if they have sufficient numbers to pass the bill, and take the responsibility for its passage as they want it, and not as some of its enemies want it.

Mr. MANN. I do not expect the friends of this bill to insert anything in it because I want it; but if I could appeal to the reason of some gentlemen here, except the gentleman from Ohio [Mr. GROSVENOR], who probably will not be reasoned with, it might not hurt them. The question is as to the merit of any proposition which may be offered. I do not expect to vote for the bill, but I believe that if it passes it ought to be made as good as possible, and that we ought to remove as many of the objections as we can.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn. The question is on the adoption of the amendment of the gentleman from Maine.

The question being taken, the amendment of Mr. LITTLEFIELD was agreed to.

The Clerk read as follows:

SEC. 3. That the commissioned officers of the United States Revenue-Cutter Service shall hereafter receive the same pay and allowances, except forage, as are now or may hereafter be provided by law for officers of corresponding rank in the Army, including longevity pay.

Mr. RICHARDSON of Alabama. I move to amend by striking out the last word. Mr. Chairman, I have listened with a great deal of interest and, I frankly admit, with a great deal of instruction to the discussion upon this very important bill. I have heard the distinguished gentleman from Maine, in a matchless manner, style, and spirit, not unusual to him, speaking of those who have given but little time or thought, according to their opportunity, to an investigation of the merits or demerits of this bill. I have learned, Mr. Chairman, in the affairs and controversies of life, intellectual or otherwise, that it takes something more than the earnest declaration of "the pronoun I" to make an argument. Some gentlemen may vainly believe that such is argument, but common-sense, plain people do not accept it exactly that way.

Now, Mr. Chairman, the question involved in this bill, and it is one on which I base my opposition principally, is, first (and there has been no explanation on this point made even by the distinguished gentleman from Iowa, for whose opinion I have so high a regard on all subjects), Why is it that this Congress should be called upon to take an officer upon waiting orders or on the retired list who is getting \$1,250—an officer unable to render any service—and give him under the provisions of this bill \$2,500? That is a question that has not been explained or answered in any way whatsoever during this entire discussion.

The gentleman from North Carolina [Mr. BELLAMY] made the statement in his remarks that I was entirely mistaken about the section of the Revised Statutes which I had read applying to the pay of commanders, lieutenant-commanders, etc., in the Navy. Just such mistakes as the gentleman from North Carolina made have occurred, I think, throughout this discussion. I examined the personnel bill passed by Congress on March 3, 1899, and found that the gentleman from North Carolina omitted to read the latter part of it, which says:

And provided, That no provision of this act shall operate to reduce the present pay of any commissioned officer now in the Navy.

Hence it was the gentleman from North Carolina [Mr. BELLAMY] that was mistaken, as clearly appears from the proviso just read to the act of Congress of March 3, 1899.

And yet he says that I was mistaken about the statute. It seems to me, Mr. Chairman, that some of the gentlemen who made such broad declarations about it and engaged "in pyrotechnics," as did the distinguished gentleman from Maine [Mr. LITTLEFIELD], ought probably to have given more time and attention to the bill and examination of it than they did. Now, Mr. Chairman, I

have objected to this bill on another ground. Why is it that in section 3, when the bill proposes to make revenue-cutter officers equal in rank to the naval officers and claim that they should be a part and parcel and belong to the Navy—why do they take the Army as a basis of compensation? It is plain and unmistakable what is meant by it, and the revenue officer to-day, without conditions or qualifications, under this bill will receive a greater compensation than the lieutenant-commander in the Navy, and there is no denial of it and there can not be. That is the plain provision of the bill.

I object to it again, Mr. Chairman, because I have read and seen that every Secretary of the Treasury, as has been alleged, and as is true, I presume, has favored this legislation. Why is it, I ask, that the gentlemen in favor of the bill have not been able to find Secretaries of the Navy that have favored it? I read to the committee that ex-Secretary Tracy, of the Navy, indicated that he would have agreed to a bill on this line only on condition that it transferred the Revenue-Cutter Service to the Navy absolutely. That was substantially the condition that Secretary Long made. Why, Mr. Chairman, if we are to take the opinions of Secretaries of the Treasury on a subject of this kind, why would not the opinion of a lawyer be just as well upon the question of whether or not a man had the yellow fever? Why would not his opinion be just as valuable upon a question of sickness on feeling the patient's pulse?

Let us go to the Navy, of which they propose to make this service a part, and let them answer the question as to whether this Revenue-Cutter Service shall be made an independent branch of the Navy—yea, whether the revenue officers shall receive more pay than officers of the Navy of corresponding rank receive. That is the unjust and unfair discrimination that this bill makes. Ah, Mr. Chairman, we ought to pause and consider this reckless increase of the tax burdens of the people. Is it right to take a man who has retired on a waiting list at \$1,250 per year, and without an additional act on his part retire him for life on a salary of \$2,500 per year? The people will not fail to scan carefully and critically the drift of such a bill as this, and will demand of the gentlemen who support it a clear, convincing, and satisfactory explanation as to why we should create a civil pension retirement list. The clamor will be long and loud from other Government employees, if this bill becomes law, "Give!" "Give!" "Give!"

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHAFROTH. Mr. Chairman, I desire to offer the following amendment which I will ask the Clerk to read:

The Clerk read as follows:

Strike out the word "Army" in line 18, on page 2, and insert in lieu thereof the word "Navy."

Mr. SHAFROTH. Mr. Chairman, it is peculiar that this service should be continually referred to as similar to the naval service, and then when it comes to a question of pay that it should be put upon the same footing as the Army service. I say it is peculiar, and there must be some reason why instead of following the line of the Navy pay, which would be natural, the bill should fix the Army pay, when the service of the revenue cutter is entirely different from that of the Army.

I shall attempt to show, Mr. Chairman, why this discrimination is made and why it is in favor of the Revenue-Cutter Service. If this service is so similar to the naval service, why should they not have the pay of officers of corresponding rank in the naval service? But we find that there is a provision in the law of the United States which says that when a naval officer is performing shore duty his salary shall be subjected to a discount of 15 per cent as long as he remains on shore duty. Now, evidently the friends of this bill must have wanted to give the Revenue-Cutter Service officer that amount of money, which would be 15 per cent more than the naval officer gets. Let us see how this works in the case of a captain.

According to this bill a captain who has served twenty years will get a salary of \$3,500. Now, in case he does shore duty he still gets that \$3,500, but the naval officer does not get it. He is subjected to a discount of \$525 upon his salary, and consequently it is placing the Revenue-Cutter officer in a position which makes him \$525 better off in his year's salary than the naval officer. Not only that, but we find that the members of this Revenue-Cutter Service are stationed on shore just like the officers in the naval service; and if the salary of the naval officer should be discounted 15 per cent, why should not that of the Revenue-Cutter Service officer be also discounted a like amount?

Mr. LITTLEFIELD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Maine?

Mr. SHAFROTH. Yes, sir.

Mr. LITTLEFIELD. Do you understand that the Revenue-Cutter officers alternate in shore and sea duty like the naval officers?

Mr. SHAFROTH. I understand that right now there are 40 officers of the Revenue-Cutter Service that are assigned to shore duty.

Mr. LITTLEFIELD. That, I beg leave to suggest, I do not think is true.

Mr. SHAFROTH. I was so informed.

Mr. LITTLEFIELD. I have got a list that I will read to you, which shows there are but eighteen.

Mr. SHAFROTH. Very well, eighteen.

Mr. LITTLEFIELD. My question is this, whether you understand the Revenue-Cutter officers alternate between shore and sea duty; that is, say, three years on sea and three years on shore.

Mr. SHAFROTH. I do not know whether there is any length of time designated, but no matter what the length of time may be you are going to have the naval officer come in here and say, "We are discriminated against; you give an officer of the Revenue-Cutter Service \$525 a year more for the corresponding work than you give us." You will then find that this House will increase the salary of the naval officers to that amount. Now, it seems to me that when we take that into consideration we ought to fix the same salaries for the corresponding officers of the two services. The reason the word "army" has been inserted in this bill instead of the word "navy" is because the Army is always on shore duty and consequently there is no discount on their salaries by reason of the fact that they serve in one particular place or another.

But in the case of the Navy you can readily see that it is important that there should be a difference. All of the Navy would be seeking shore duty and all of these officers will be seeking shore duty if you adopt this measure by which they get the same salary when they are doing shore service as when they are doing duty at sea. Consequently, it seems to me that it is eminently proper that if this service is the same as the naval service the pay should be the same as the naval pay. I therefore contend that this amendment should be adopted.

The CHAIRMAN. The question is upon the adoption of the amendment of the gentleman from Colorado.

Mr. MANN. Mr. Chairman, I understood the gentleman from Maine [Mr. LITTLEFIELD] to say that there were only 18 Revenue-Cutter officers on shore.

Mr. LITTLEFIELD. I gave the list that was given to me. That is all I know about it.

Mr. MANN. I have a statement here from the Chief of the Revenue-Cutter Service, which statement is only a few days old, and according to this there are 9 officers on special duty on shore; 12 officers on construction and repair duty on shore; 12 officers on live-saving service duty on shore, and 8 officers on waiting-order duty on shore, sick, which makes a total of 41, I believe, if I can count correctly.

Mr. HEPBURN. But the gentleman ought in all fairness to remember that twelve of those, those on construction and repair duty, are officers who are expected to be on shore. Their place is on shore. They are engaged in construction, in the building of ships.

Mr. MANN. I am not complaining about these gentlemen being on shore. It is eminently proper that all of them should be on shore. They are all engaged on shore except the eight on waiting orders, and there are undoubtedly good reasons for them, in that they are sick; but all of these officers are engaged in duty on shore, and why should they not be paid Navy wages on shore?

Mr. HEPBURN. Eight of those you speak of are the old and infirm that are on shore because they can not serve.

Mr. MANN. That is what the gentleman says—the old and infirm. I notice that two of them are second assistant engineers. They can not be very old. I do not know how infirm they are.

Mr. LITTLEFIELD. I will give the gentleman from Illinois the benefit of the authority on which I made the statement:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
DIVISION OF REVENUE-CUTTER SERVICE,
Washington, March 31, 1902.

HON. CHARLES E. LITTLEFIELD, M. C.,
The Hamilton, Washington, D. C.

Mr. MANN. I hope the gentleman will remember that this comes out of my time, and the gentleman can just omit the names.

Mr. LITTLEFIELD. Certainly; the second or two that it took to read the names will be taken out of my time.

MY DEAR MR. LITTLEFIELD: I hand you herewith the names of officers on shore duty at this time, 18 in all.

Seven of the officers, employed in the construction and repair of vessels, will go to duty on board ship as soon as the vessels building are finished.

There would be under ordinary conditions, with no vessels under construction, including the chief and engineer in chief of the service, on shore duty in the Revenue-Cutter Service, about 12 officers.

If you desire any other data I will be glad to respond in person or by letter, as you wish.

Very truly, yours,

C. F. SHOEMAKER.

Now I will put into the RECORD, if the gentleman pleases, the names of the officers:

OFFICERS ON SHORE DUTY CONNECTED WITH REVENUE-CUTTER SERVICE.

Capt. Charles F. Shoemaker, chief Division Revenue-Cutter Service.

Capt. of Engineers John W. Collins, engineer in chief.

Capt. L. N. Stodder, supervisor of anchorages, New York.

Capt. R. M. Clark, inspector of clothing.
First Lieut. D. P. Foley, in charge general store, Pacific coast.
Second Lieut. P. H. Brereton, temporarily at Department.

IN THE CONSTRUCTION AND REPAIR OF VESSELS.

[Assignments in these cases are all temporary.]

Capt. Russell Glover, Capt. O. C. Hamlet, Capt. Geo. E. McConnell, Second Lieut. G. C. Carmine, Chief Engineer James A. Doyle, Chief Engineer D. McC. French, Chief Engineer James H. Chalker, Chief Engineer E. G. Schwartz, First Asst. Engineer C. A. McAllister, First Asst. Engineer John Q. Walton, First Asst. Engineer Carl M. Green, Second Asst. Engineer C. A. Wheeler.

That is the authority on which I made the statement. I know nothing about it personally.

Mr. MANN. Well, I have the authority of the Chief of the Cutter Service, Mr. Shoemaker also, giving 41 in a schedule which I will put in the RECORD.

The schedule is as follows:

Table showing the distribution of officers of the Revenue-Cutter Service March, 1902.

Grades.	In command.	Attached to vessels other than commanding.	On special duty.	Construction and repair.	On duty Life-Saving Service.	Lieutenants in command.	On waiting orders.	Sick.	Total.
Captains	23		3	3	5	3			37
First lieutenants	18	3	3		5	11			37
Second lieutenants	31	2	1		2				36
Third lieutenants	23								24
Cadets	12								12
Captain of engineers		1							1
Chief engineers	29		4						35
First assistant engineers	14		2				1		17
Second assistant engineers	16		1				2		19
Constructor			1						1
Total	23	143	9	12	12	11	8		219

Mr. MANN. Now, I am not criticising these gentlemen for being on shore at all; but if the naval officers of the same grade on shore have 15 per cent less pay, why should these gentlemen have higher pay? You know that it will mean that the Navy officers will insist that their pay be increased. Perhaps that is true. If so, increase them both at once.

Mr. MAHON. You give these men less pay when they are retired than naval officers receive, and you want to cut down their pay on shore.

Mr. MANN. No, sir; this bill proposes to give them the same pay on the water as the naval officers and 15 per cent more pay on shore than the naval officers.

Mr. HEPBURN. Let me ask the gentleman if he understands this matter as I do. You propose by this amendment to place them on retirement on the same ground as the naval officers.

Mr. MANN. No; this is their pay for active service.

Mr. HEPBURN. But that fixes the retirement pay.

Mr. MANN. No, sir.

Mr. HEPBURN. Yes; that fixes the retirement pay, and your proposition would retire each one of them with a grade higher. Of course that would not affect captains, because there is no grade higher, but it would affect all lieutenants. Is that what you want to do?

Mr. MANN. The gentleman is now endeavoring to discuss the retirement feature of this bill. We are endeavoring to discuss the pay in active service under the bill.

Mr. HEPBURN. The retirement pay is based on the active pay.

Mr. MANN. The gentleman wants to pay revenue-cutter officers in active service 15 per cent more than the naval officers of the corresponding grade receive. There is no question about it, and the gentleman admits it. [Cries of "Vote!" "Vote!"]

Mr. LACEY. Mr. Chairman, let us not vote until we know what we are voting about. I would like to ask my colleague, who is fully acquainted with all the facts, if the same corresponding rank in the Army and Navy have the same pay. Is that correct?

Mr. HEPBURN. What does the gentleman mean by corresponding rank?

Mr. LACEY. That is, a man who has corresponding rank with a captain of the Army, would his pay be the equivalent of the pay of a captain in the Army? Is that correct? I mean, a man who had the corresponding rank with a captain in the Army would draw pay equivalent to the pay of a captain in the Army; but if he was in the Navy, with the same identical rank, he would draw 15 per cent less when on shore duty.

Mr. HEPBURN. Where do you find that?

Mr. LACEY. I am trying to find out the facts.

Mr. HEPBURN. The pay of the Navy is based on the pay of the Army. When the pay of the Army was fixed, there was no Navy; but when the naval establishment came into existence their pay was based on the pay of the Army, and that is the condition to-day, as I understand it.

Mr. LACEY. And if that is so, the naval officer on shore draws 15 per cent less than when he is at sea, but the revenue officer will draw precisely the same as he would when at sea. If that is true, it ought not to be, and we ought not to vote upon it until we find out the facts. If that is correct, we ought to adopt the amendment; and when we come to give them retirement simply say that they shall not be retired one grade higher, as in the Navy. From the statement made by my colleague, this amendment ought be adopted.

When an officer of the Navy is on shore he gets 15 per cent less, and this bill would give the revenue men the full pay. That would be the legal effect of it if this amendment is not adopted. I was simply trying to get the facts. I have thus far been listening to this debate without taking any part in it. If these be the facts, we ought to adopt the amendment proposed by the gentleman from Colorado.

Mr. LITTLEFIELD. Does the gentleman understand that a captain of the Revenue-Cutter Service ranks with a captain in the Navy?

Mr. LACEY. I am talking about the assimilated rank, as in the Navy.

Mr. LITTLEFIELD. This does not say "assimilated" rank, but corresponding rank.

Mr. LACEY. Corresponding rank has practically the same meaning. So that the rank being the same, the Revenue-Cutter officer will get 15 per cent more pay than the naval officer does when he is on shore.

Mr. LITTLEFIELD. When the naval officer is on shore?

Mr. LACEY. The most of them are on shore.

Mr. LITTLEFIELD. What, the Navy?

Mr. LACEY. The Revenue-Cutter Service officers.

Mr. LOUDENSLAGER. They are always at sea.

Mr. LACEY. Over 40 of them are now on shore, and those 40 would draw 15 per cent more than Navy officers do when they are on shore duty.

Mr. LITTLEFIELD. But that 40 includes those on the retired list, does it not?

Mr. LACEY. If there was only one of these instead of 40, it is wrong. The proposition is unworthy. We ought to be just to the Navy. In trying to make the Revenue-Cutter men equal to the Navy we should not put them on a better plane.

Mr. HEPBURN. I think my friend does not understand what he is talking about.

Mr. LACEY. I am endeavoring to get the facts.

Mr. HEPBURN. You have been opposing the bill?

Mr. LACEY. I have never spoken against the bill.

Mr. HEPBURN (continuing). And therefore I doubt very much your sincerity in this matter.

Mr. LACEY. I do not question the gentleman's sincerity.

Mr. HEPBURN (continuing). Especially in view of the section—

The CHAIRMAN. Gentlemen will not impugn the motives of fellow-members.

Mr. HEPBURN. I was not impugning the motive; I was stating a historical fact.

Mr. LACEY. Well, then, it will become history that my friend has put into the RECORD what I expected to put there a little later when I shall record my vote against the bill.

Mr. HEPBURN. The act of March 3, 1899, provides, in section 12, that—

After June 30, 1899, commissioned officers of the line of the Navy and of the Medical and Pay Corps shall receive the same pay and allowances except for forage as are or may be provided for by or in pursuance of law for officers of corresponding rank in the Navy.

Mr. LACEY. For officers of the corresponding rank of the Army.

Mr. HEPBURN. Very well.

Mr. LACEY. Now, how about the other provision about 15 per cent less on shore?

Mr. HEPBURN. The pay of the Navy has always been based on the pay of the Army, and we have based this in pursuance of all precedents.

Mr. SHAFROTH. But there is the 15 per cent difference in the pay when the naval officer is on shore.

Mr. HEPBURN. We will consent to it if the House says so.

Mr. SHAFROTH. But that says that the pay shall be 15 per cent less on shore.

Mr. HEPBURN. We do not agree to have the enemies of the bill fix it.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LACEY. I would like to have two minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that his time may be extended for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. We have at last got at the fact, as I understand it, and that is this: While the rate of the pay is the same, a man that has the corresponding rank in the Revenue-Cutter Service

has the same pay as a like officer in the Navy. We have got at last the fact that is important for us all to know. If that is true, why should we make a provision that these Revenue-Cutter officers shall not have their pay discounted while on shore the same as a naval officer? The amendment of the gentleman from Colorado simply puts the Revenue-Cutter officer on the same footing as the naval officer instead of upon a better footing. I am surprised that my colleague in his zeal should insist on giving 15 per cent more to the officers of the Revenue-Cutter Service than to the officers of the Navy.

Mr. SHAFROTH. Mr. Chairman, I want to call the attention of the gentleman from Iowa to a letter from the Paymaster-General of the United States Navy, in which he answers the question, What would be the pay of a lieutenant-commander of the Navy, both on shore and on sea service? And here is his answer:

WASHINGTON, D. C., February 26, 1902.

SIR: The Bureau is in receipt of your letter of the 24th instant, requesting the rate of pay of a lieutenant-commander in the Navy who has a service of twenty years, both for sea duty and shore duty; and in reply thereto begs to inform you that an officer of this rank and service receives, while at sea, \$3,500, without any allowances, and on shore, in the United States, \$2,975 and quarters. If quarters are not furnished in kind, he is entitled to commutation thereof at the rate of \$48 per month.

Respectfully,

A. S. KENNY,

Paymaster-General United States Navy.

HON. JAMES R. MANN,
House of Representatives, Washington, D. C.

There is a statement of the Paymaster-General of the Navy made on the 26th of February of this year, in which he says that the difference between the pay of an officer of the Navy holding the rank of lieutenant-commander at sea and on shore is 15 per cent more at sea than the corresponding officer would receive on shore, and that ought to settle it.

Now, Mr. Chairman, it seems to me in view of that fact there ought to be no objection whatever to the passage of this amendment which substitutes the pay of the Navy as applied to this service instead of the pay of the Army. It would be a discrimination against the Navy to say that these officers of the Revenue-Cutter Service for the same identical shore duty should receive 15 per cent more salary than the corresponding officers of the Navy.

Mr. Chairman, it will result without the peradventure of a doubt in a bill coming into this House, and result in the passage of a bill increasing the pay of the naval officers on shore duty to correspond to the pay of the officers of the Revenue-Cutter Service on shore duty. Not only that, Mr. Chairman, but from the standpoint of the best service there ought to be a distinction between shore duty and sea duty. If a Revenue-Cutter officer gets the same pay on shore that he gets for sea duty, unquestionably he will always be seeking shore duty, and the result will be that men will not voluntarily go to sea when they can get the same pay by staying in port. Therefore it seems to me in the best interests of the service, in the interest of having uniformity in the Revenue-Cutter Service and in the naval service, that the amendment I have offered striking out the word "Army" and inserting the word "Navy" should be adopted.

Mr. SHERMAN. Mr. Chairman, I do not controvert the statement of the gentleman from Colorado as to what the statute is; but when you apply it to practice you come to a very different condition of facts. The highest grade in the Revenue-Cutter Service is that of captain, and that officer corresponds to lieutenant-commander in the Navy. The pay of such officer (lieutenant-commander) is \$3,500, and yet when the naval officer is assigned to shore duty, when he is brought here into the Department, when he is placed at the head of a bureau, I think the gentleman will find that there is not an exception that that officer is made a rear-admiral.

He takes the rank of a rear-admiral when he is placed in the Navy Department at the head of a bureau. His pay is thus increased \$1,000 a year. So, in fact and in practice, Mr. Chairman, although the law is as the gentleman from Colorado states it, in practice the naval officer when assigned to shore duty has increased pay rather than decreased pay.

Mr. MANN. I understood the gentleman from Iowa to say that one-half of the naval officers were on shore duty all the time. I know there are a great many rear-admirals, but I did not suppose one-half of the officers of the Navy were rear-admirals. [Laughter.]

Mr. NORTON. Mr. Chairman, I move to strike out the last two words. My purpose was to vote for this measure. I do not presume there is any man on the floor of this House that has a deeper interest in the Navy than I have myself, for all I have on earth is in the Navy. Yet I am willing to vote for this measure if the measure can be treated fairly and honestly.

I do not believe those who are opposing the measure are dishonest, neither do I believe those who are in favor of it intentionally intend to mislead the House; but I say to you it is a fact, and it is a fact that can not be controverted by the gentleman

from New York, that when a naval officer leaves the sea and comes upon shore duty he loses 15 per cent of his pay. Now, that distinction is absolutely in the statutes; and if the gentleman from Iowa [Mr. HEPBURN] had only read one line further he would have exposed the truth of that fact.

The pay of the Navy is based upon that of the Army, and when the naval officer is on shore his pay is 15 per cent less. And now you propose to step in here and do this for the Revenue Service: You propose to give these officers 15 per cent extra above that of the Navy, while you make no reduction upon the pay of the Army.

The gentleman says that when naval officers come ashore they are always assigned to service in the Navy Department. I beg leave to differ with the gentleman decidedly; and I want to tell him that naval officers have no allowance for quarters. If there are quarters for them at the navy-yard or elsewhere they get them; but otherwise they go into the city and rent their quarters and pay for them. That is the naked truth about the matter.

Let gentlemen treat this question fairly and honestly before the House. With the amendment now proposed, I will cheerfully vote for this bill. I have been lobbied, it is true, by both sides on this question, but I will say that I will vote for the bill cheerfully if you give us the amendment asked for by the gentleman from Colorado, which I believe is right and just; otherwise I will not.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn. The question is on the amendment of the gentleman from Colorado, which is to strike out the word "Army," and to insert in place thereof the word "Navy."

Mr. ROBERTS. I move to amend by striking out the last word.

Mr. Chairman, before the vote is taken on this proposition, it seems to me there is another phase of the question which should be fairly understood by this committee. It is said here that in supporting the section as proposed by the committee we are discriminating in favor of the officers of the Revenue-Cutter Service; and instances of officers of the Navy having their pay reduced on account of shore service are cited in proof of that statement.

Now, let me say right here, Mr. Chairman, that the benefit of this sea pay will only accrue permanently to two officers of the Revenue-Cutter Service. One is the chief of the service; the other the chief engineer of the service. Under the law those two officers are detailed to shore duty for a certain specific purpose; that is, to manage the affairs of that Bureau and to undertake or supervise the designing and construction of all the vessels built for the use of that Department.

Now, Mr. Chairman, when the Secretary of the Navy assigns men to shore duty at the head of similar bureaus, those men are advanced in grade, which means an increase of pay. If you adopt the amendment proposed here by the gentleman from Colorado, you in effect impose a penalty upon the officers of the Revenue-Cutter Service who are detailed ashore for this construction duty.

The statement of the chief of the service is that under normal conditions there may be in all 12 officers of this service on shore duty at one time; but 10 of these, being those outside of the two I have mentioned, are on shore merely for a day, a week, or a month or two; they are not stationed on shore for three years at a time, as are officers of the Navy. They are brought on shore for a very short time, at the expiration of which they go back to their ships. They do not get a permanent location on shore where they can locate their families, where they can hire a house and settle down. It seems to me that when we take this view of the matter, it is proper that these officers should get the full sea pay.

Mr. NORTON. Will the gentleman allow an interruption?

Mr. ROBERTS. Certainly; I yield.

Mr. NORTON. Does not the gentleman make a mistake when he undertakes to advise the House that naval officers are three years at sea and three years on shore? There is no such law as that at all.

Mr. ROBERTS. I have not stated that such is the law; I have stated that it is the practice of the Navy Department—a naval regulation which has the force and effect of law. And it must be within the observation of the gentleman from Ohio that when a naval officer is assigned as the head of a bureau he stays there at least during the continuance of the political administration that puts him there, and in many instances he stays there much longer, and being promoted he receives an increase of pay. Let me give you a concrete case. Take, for instance, the case of the recent Chief of the Bureau of Construction in the Navy Department. Prior to his advancement to the position of Chief of that Bureau he was a naval constructor. When he went up from the position of naval constructor, where, I believe, he ranked as a lieutenant in the Navy, he at once became a rear-admiral, drawing a rear-admiral's pay, this being compensation to him for the extra duty imposed on him by reason of this assignment.

Mr. NORTON. What about the thirty or forty or fifty men under him, that are out in the other departments, that are not at the Department—where do they get their rank?

Mr. ROBERTS. Those men are getting an equivalent.

Mr. NORTON. What is it?

Mr. ROBERTS. In almost every instance they are getting commutation in cold, hard cash for their quarters aboard ship.

Mr. LESSLER. I understand the naval constructor has no sea duty.

Mr. NORTON. Certainly not; we do not claim he has.

Mr. LESSLER. That is what you ask.

Mr. NORTON. No; I do not claim the naval constructor has any sea duty.

Mr. ROBERTS. Then will the gentleman kindly tell me what officers of the Navy are under the jurisdiction of the Chief of Bureau of Construction? I mean by that sailors, men who are supposed to be out on ships, and who are on shore—seamen. What officers of the Navy come under the Chief of Construction?

Mr. NORTON. I do not think there are any.

Mr. ROBERTS. Then there is no relevancy to the question of the gentleman from Ohio.

Mr. HEPBURN. Will the gentleman from Massachusetts yield a moment?

Mr. ROBERTS. Certainly.

Mr. HEPBURN. The gentleman from Ohio, who I think is on the Naval Committee—

Mr. NORTON. No; I am not. I wish I were.

Mr. HEPBURN. He is akin to the Navy.

Mr. ROBERTS. He has a kin in the Navy.

Mr. NORTON. So I have, and I am proud of it, too.

Mr. ROBERTS. So am I, and I wish there were more of them.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word. There is one provision of the law the gentleman from Ohio did not read. My statement was absolutely correct. A further proviso reads that no provision of this act shall operate to reduce the present pay of any commissioned officer now in the Navy, and in any case in which the pay of such an officer would otherwise be reduced he shall continue to receive pay according to existing law.

Mr. NORTON. Yes.

Mr. HEPBURN. What becomes, then, of your 15 per cent?

Mr. NORTON. Read the second provision.

Mr. HEPBURN. I have; and I say that there is no reduction, no 15 per cent reduction, of the pay of any officer in the Navy at the time of the passage of this bill.

Mr. NORTON. I do not know as to the time of the passage of this bill. I know this bill gives him 15 per cent reduction.

Mr. MANN. Mr. Chairman—

Several MEMBERS. Vote! Vote!

Mr. MANN. The friends of the bill will not help it in that way. There can be no possible question as to the reduction of pay on shore duty from sea pay. The personnel bill which the gentleman from Iowa referred to, as I understand it, provided that that bill should not operate to reduce pay. There is no possible question about there being a number of officers on shore. Now, the gentleman from Massachusetts [Mr. ROBERTS] made a suggestion which, it seems to me, the friends of this bill ought to adopt. I should be glad, although not intending to vote for the bill itself, to vote for an amendment to the bill which would give to the chief of the Revenue-Cutter Service and to the captain of engineers higher salaries. I am frank to admit that I do not believe that Captain Shoemaker and Captain Collins receive salaries fairly proportionate to the responsibilities which are placed upon them. As chiefs practically of a bureau, even under this bill they would receive only \$3,500 a year and commutation for quarters. I believe their salaries ought to be higher, but I can see no reason for giving higher salaries to other officials on shore than naval officers would receive in like positions.

Mr. RICHARDSON of Alabama. Will the gentleman from Iowa [Mr. HEPBURN] just allow me to take his attention a moment? You say that there is no law in existence now that deducts 15 per cent from the pay of a naval officer.

Mr. HEPBURN. Two officers of the Navy who were officers on the 3d of March, 1899—

Mr. RICHARDSON of Alabama. How do you construe, then, section 1556 of the present statutes of the United States, which says that lieutenant-commanders—

Mr. HEPBURN. What is the date of that?

Mr. MANN. It is prior to 1899.

Mr. RICHARDSON of Alabama. Yet it is in existence under the personnel act which you have just read—under the proviso. This is the law that is in existence.

Mr. HEPBURN. Oh, no; I read the statute—the proviso exempting all officers in the Navy at the date of the passage of that act from the operation of that 15 per cent discount.

Mr. RICHARDSON of Alabama. Now, Mr. Chairman, the whole question is about this personnel act, and I undertook to read the proviso in the first few remarks that I made this afternoon, which was that it should not apply to the pay of naval officers as the law now exists. Now, what is that law that exists to-day? The personnel act did not repeal the question of compensation, and here is the law as I understand it:

Lieutenant-commanders during the first four years after date of commission, when at sea, \$2,800; on shore duty, \$2,400; on leave or waiting orders, \$2,000; after four years from such date, when at sea, \$3,000; on shore duty, \$2,600; on leave or waiting orders, \$2,200.

And, Mr. Chairman, that is the law to-day, and there has not been any contradiction or denial of the fact that a captain to-day in the Revenue Service, under this bill, who has corresponding rank and pay with the officer in the Navy, as I have just read, does get larger pay than a lieutenant-commander in the Navy. That is the statute as it exists, just as I have read it, and it applies to officers all down the line, and when they are on shore duty 15 per cent is deducted from their pay. Is that deduction in any way made in the case of a captain in the Revenue Service, corresponding with the rank of a lieutenant-commander in the Navy? No man can say that it is.

Mr. SHERMAN. I move that all debate on this paragraph and amendment be closed in one minute.

Mr. SHAFROTH. Mr. Chairman—

Mr. NORTON. I ask the gentleman to yield that one minute to me.

The CHAIRMAN. Does the gentleman from New York insist on his motion?

Mr. SHERMAN. Certainly.

The CHAIRMAN. The gentleman from New York moves that all debate on this paragraph and amendment close in one minute.

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. LACEY. Division.

Mr. SHAFROTH. Mr. Chairman—

The CHAIRMAN. The gentleman from Colorado.

Mr. LACEY. Division.

The CHAIRMAN. A division is demanded. Those in favor of the motion will rise.

Mr. ROBERTS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROBERTS. I understood the Chair to recognize the gentleman from Colorado [Mr. SHAFROTH] before recognizing the call for a division.

The CHAIRMAN. The Chair will state that the gentleman from Iowa [Mr. LACEY] was on his feet demanding a division, but the Chair did not distinctly hear him until he spoke the second time.

The committee divided; and there were—ayes 70, nays 36.

Accordingly the motion was agreed to.

Mr. SHAFROTH. Mr. Chairman, no matter what the gentleman from Iowa [Mr. HEPBURN] may say, we have a letter from the Paymaster-General of the Navy which says that in the month of February he was paying officers of the Navy on shore 15 per cent less than he was paying Navy officers on sea duty. It seems to me that ought to settle the question whether we can now turn to the particular statute that authorizes it or not.

Mr. Chairman, the gentleman from Massachusetts [Mr. ROBERTS] says that we are discriminating against the Revenue-Cutter Service by the adoption of this amendment. Why, Mr. Chairman, we are increasing the pay of a captain who has had twenty years' service 40 per cent, giving him \$3,500 a year and a commutation of quarters of \$576 per annum, when he has had heretofore a salary of \$2,500 a year and commutation of quarters of \$480 per annum. We are increasing his compensation for quarters by giving him \$48 per month instead of \$40 per month. That is not discriminating against the Revenue-Cutter Service. It is giving them a large and liberal increase of compensation. If we make a difference between the compensation of the Navy and Revenue-Cutter officers there will continually be a quarrel as to their salaries.

The CHAIRMAN. The question is upon the adoption of the amendment of the gentleman from Colorado [Mr. SHAFROTH] to strike out the word "Army" and insert in lieu thereof the word "Navy."

The question being taken on a division (demanded by Mr. SHERMAN), there were—ayes 75, nays 76.

Mr. SHAFROTH. I demand tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. SHAFROTH and Mr. SHERMAN.

The committee again divided; and there were—ayes 76, nays 89. Accordingly the amendment was rejected.

Mr. LACEY. I offer the following amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment which will be read by the Clerk.

Mr. LACEY. It is to be added to the section as a proviso.

The Clerk read as follows:

Add at the end of section 3 the following:

"Provided, That the same reduction of pay shall be made for shore duty as in corresponding grades in the Navy."

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Iowa.

Mr. SHERMAN. I raise the point of order that precisely the same amendment, only in different phraseology, has just been voted down.

Mr. LACEY. I should like to be heard on the point of order.

Mr. SHERMAN. We have voted what the pay should be. We have voted that it should be Army pay. This amendment provides that it shall be Navy pay. That is precisely the same question upon which we have just this moment taken a vote by tellers.

Mr. LACEY. And we voted it down on the mistaken statement of gentlemen that there was no shore reduction. Now, here is a proviso that if there is shore reduction in the Navy there shall also be shore reduction in this service. If there is no shore reduction, then, of course, the proviso will not hurt them. It is an entirely different provision, even if the legal effect should be the same.

Mr. SHERMAN. Why, Mr. Chairman, it does not make any difference whether the gentleman voted under a misapprehension or not; this is precisely the question that was voted down. It is the very same amendment, simply changing the phraseology, and nothing else.

The CHAIRMAN. The motion just voted down was the motion of the gentleman from Colorado to strike out the word "Army," and insert in lieu thereof the word "Navy." The amendment offered by the gentleman from Iowa is to add at the end of the section the following words:

Provided, That the same reduction of pay shall be made for shore duty as in corresponding grades of the Navy.

The language of the pending amendment is certainly very different from that of the amendment already rejected. The Chair can not say, from anything appearing in the bill or anything that has been submitted, that it is the same amendment. In terms it is a very different amendment. What the effect may be of adopting the amendment is for the committee to consider and not for the Chair to decide. The point of order is therefore overruled. The question is on the adoption of the amendment offered by the gentleman from Iowa.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. LACEY. Division.

The committee divided; and there were—ayes 68, noes 89.

So the amendment was rejected.

The Clerk read as follows:

SEC. 4. That when any officer in the Revenue-Cutter Service has reached the age of 64 years he shall be retired by the President from active service; and when any officer has become incapable of performing the duties of his office he shall be either placed upon the retired waiting-orders list or dropped from the service by the President, as hereinafter provided.

Mr. UNDERWOOD. Mr. Chairman, I move to strike out section 4 of the bill.

Now, Mr. Chairman, this section provides for these officers being put upon a civil-pension list. That is all that it amounts to. You may call it a retirement list or you may call this list anything that you want to, but in the end it puts civil employees on a retirement list, where they will receive three-fourths pay for the balance of their lives after they have ceased to work for the Government. Now, since the beginning of this Government this Revenue-Cutter Service has been in existence. There is no man on this floor that denies that it has been an efficient service; there is no man on this floor who denies that under existing law we have been able to obtain the services of competent and efficient men to serve the Government.

We hear gentlemen on this floor quote in this debate from Secretary this and Secretary that, what the Secretary of the Navy has to say, and what the Secretary of the Treasury has to say, and what a retired Secretary has to say, and what an active Secretary has to say; we hear from Admiral this and Admiral that, and Paymaster this and Paymaster that, and what he thinks we should do in this matter. I say, Mr. Chairman, that the time has come when the American Congress ought to be able to legislate on its own judgment, and not have to run like messenger boys to a department to ascertain how they shall vote. There is no man here that can deny the present efficiency of this service or seeks to deny it. There is no man in this House who has asserted that the efficiency of this service is going to be increased one jot or one tittle by giving this civil-retirement list to these officers. Not a man in the debate that has taken place, not one man, has asserted that you are going to improve the service by putting this provision in this bill.

Every gentleman who favors the bill has lauded the service;

has told us what an efficient service it was. Well, now, instead of asking rear-admirals, vice-admirals, and retired admirals and active admirals how we shall vote in this matter, suppose we in our consciences ask our constituents as to whether they want to adopt and put on the statute books a civil-retirement pension list for service that admittedly does not need it. Shall we pay these men this money after they have retired, when every man admits that the service is efficient now? What can you say to your constituents as the reason for giving to officers of this service this bonus if the service is as efficient to-day as you say it is? And if you can not, why then you are going to open the public treasury and give a lot of pleasant gentlemen, because they lobby with you, and ask you to do it—you are going to give them this increase of pay without any return to the National Government.

Mr. LITTLEFIELD. Mr. Chairman, just a few moments. I more than agree, after listening to the gentleman from Alabama and hearing the reasons that he gives for the conclusions at which he arrives, that he cares but little about the language of this bill.

He says that it does not make any difference how this bill reads, and I am rather inclined to think that is a fact. It does not make any difference what anybody says about it or what anybody thinks about it; it means exactly "what I know" and "what I say" and "what the gentleman from Alabama says it means."

Mr. UNDERWOOD. Does the gentleman deny that it makes a retired list?

Mr. LITTLEFIELD. No; the gentleman does not.

Mr. UNDERWOOD. Does the gentleman deny the efficiency of the service now?

Mr. LITTLEFIELD. Not at all. I say it makes a retirement list. Does the gentleman know, and does the gentleman suppose that just because he says he does not want to inquire of the Secretary of the Treasury, nor does he want to inquire of the Secretary of the Navy, nor does he want to have this admiral or that advise us that no one else cares to do so. His hypothesis is that the less a man knows the better he is qualified to exercise his judgment as a representative of the American people. That is his proposition. Do not investigate a question, do not, in God's name, ask anybody who knows anything about it—

Mr. UNDERWOOD. If the gentleman from Maine assumes—

Mr. LITTLEFIELD. Do not trouble yourself about the gentleman from Maine; the gentleman from Maine will look out for himself. The gentleman from Alabama said he would not bother about admirals or about Secretaries of the Navy; he would look out for himself. I do not suppose he would even read or let himself be informed, because the less information a man has the more intelligent he is. Undoubtedly when he undertakes to act on a question he would consult his constituents. That is what he would do. It would be very unfortunate if hereafter a question arose in this House that required immediate action if the gentleman from Alabama did not have time to consult his constituents [laughter], because if he does not have the time he would not know how to vote. It would not do to ask the head of a department; it would not do to ask any representative of a department, because he may know what he is talking about; and if he did ask him he might get some information, and then he might act intelligently upon the information. [Laughter.] It is a mighty sight better to act upon misinformation or absolutely no information.

The gentleman asked me if the section does not provide for retirement. Of course it does; that is how it reads. No matter how it reads or what anybody says about it, he says, but I think it means what it says, and it reads that way.

Then the gentleman says that this is the first time that any attempt has been made to put these men on the retired list. Oh, this awful bugbear of a civil pension list; this terrible picture that they have conjured up, this "cloven foot," as my other friend from Alabama called it—the cat under the meal, and with no meal hardly over the cat. [Laughter.] What is the effect of it? The gentleman knows, or he would have known if he had listened to my friend from Iowa, that on two several occasions it has been necessary for the American Congress in the exercise of its wisdom to pass a retirement bill without consulting its constituents. Now, I do not know but there may be a constituent of the gentleman from Alabama that has consulted more than was necessary for the welfare of this bill from his point of view.

But on two occasions the American Congress, in its wisdom, has found it necessary to retire by special act men in this Revenue-Cutter Service. Why? Because they were considered not civil employees, but a part of the naval establishment of this Government, distinctly naval in their character, and that by reason of their service, its peculiar character, and the fact that men once enlisted and trained in that service are in a sense unfitted for other services, on two occasions it has been necessary to relieve the congestion by a special act of Congress and place these men on the retired list because they were incapacitated for further service.

No crack of doom, so far as I know, has opened itself wide to

ingulf either the American Congress or destroy the American people by reason of those two special acts, and the ship of state has not drifted anywhere near the rocks by reason of those two special acts of Congress. Nor was there, so far as I have been informed, any upheaval on the part of the constituents. This simply provides by general law for the retirement of these men under precisely the same circumstances, and would make it unnecessary hereafter for the Congress to pass this special legislation to relieve this congestion in this service.

Now, I think, Mr. Chairman, that the suggestion of the gentleman should hardly be adopted by the members of the House, because the bill places these men not on a par even with the Navy, as is well suggested by the gentleman from Iowa [Mr. HEPBURN]; because in many important particulars and respects the law now relating to retirement is vastly more favorable to the naval officer, with which I make no complaint and with which I find no fault, than is this bill to the revenue-cutter officer, but it provides a way of placing them upon this list. If it did constitute a thin entering wedge, if it was a civil-pension list, I would agree with the gentleman from Alabama [Mr. RICHARDSON] and be glad to follow his lead on this proposition, but I respectfully disagree with his conclusions, and I submit, under a fair analysis of the situation, it seems to me that no proper consideration of facts can justify the suggestion that the Revenue-Cutter Service is in any fair, proper sense a civil employment and is not entitled to the same treatment that the Navy receives in this respect.

Mr. UNDERWOOD rose.

Mr. LITTLEFIELD. Does the gentleman rise to a question?

Mr. SHERMAN. Mr. Chairman, I move that debate on this section and amendment be closed in two minutes.

Mr. UNDERWOOD. I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves that all debate upon the pending section and amendment be closed—

Mr. SHERMAN. I will make it two minutes.

The CHAIRMAN. In two minutes.

The question was taken; and on a division (called for by Mr. UNDERWOOD) there were—ayes 77, noes 66.

Mr. UNDERWOOD. I ask for tellers.

Tellers were ordered; and Mr. UNDERWOOD and Mr. SHERMAN were appointed.

The committee divided; and the tellers reported—ayes 70, noes 65.

So the motion to close the debate in two minutes was agreed to.

Mr. UNDERWOOD. Mr. Chairman, I am sorry the committee has seen fit to cut off debate on this proposition. After what the gentleman from Maine [Mr. LITTLEFIELD] has seen fit to say in his exceedingly humorous and funny speech, I have little to say. The gentleman from Maine has played many parts in this House. I think it is the first time that I have ever seen him assume to play the rôle of the cap and bells; but he performs his part well, there is no doubt about that. [Laughter.] On the other hand, my friend from Maine states that I assume to know it all. Well, now, I do assume to know something, and probably I did assume to know it all until the gentleman from Maine came to this House [laughter]; but ever since the gentleman from Maine has been a member of this House I have found that he was not only capable of knowing it all, but of telling it and giving advice not only to his own party, whether they agreed with him or not, but to this side of the House as well. [Laughter.]

As the gentleman from Maine has never seen fit or necessary to go to anybody else for advice, except himself, I was therefore rather surprised when the gentleman objected to some few of us on this side consulting our constituencies rather than high admirals in authority. Now, as to the real merits in the case, the reason I say we should not go to admirals or Revenue-Cutter officers or persons of that kind for advice as to how we should vote, is simply from the fact that every one of those men are interested in some degree in the decision of the House in this matter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. Whereas we and our constituencies are only interested in good service to the Government and the revenues in the Treasury.

The CHAIRMAN. The question is on the adoption of the motion of the gentleman from Alabama to strike out the fourth section of the bill.

The question was taken; on a division called for by Mr. UNDERWOOD, there were—ayes 44 and noes 97.

Mr. UNDERWOOD. Tellers, Mr. Chairman.

The question being taken, and the demand for tellers, they were refused, 19 members, not one-fifth of a quorum, rising in support of the demand.

So the motion was not agreed to.

The Clerk read as follows:

SEC. 5. That the Secretary of the Treasury, under the direction of the President, shall from time to time assemble a Revenue-Cutter Service retiring board, composed of officers of the Revenue-Cutter Service and medical officers of the Marine-Hospital Service, consisting of not less than five commissioned officers, two-fifths of whom shall be selected from medical officers

of the Marine-Hospital Service, for the purpose of examining and reporting on such officers of the Revenue-Cutter Service as may be ordered by the Secretary of the Treasury to appear before it; and the members of said board shall be sworn, in every case, to discharge their duties honestly and impartially, the oath to be administered to the members by the president of the board, and to him by the junior member or recorder; and such board shall inquire into and determine the facts touching the nature and occasion of the disability of any officer who appears to be incapable of performing the duties of his office, and shall have such powers as may be necessary for that purpose; and when the board finds an officer incapacitated for active service it shall also find and report the cause which, in its judgment, has produced his incapacity, whether such cause is an incident of service, whether due to his own vicious habits, or the infirmities of age, or physical or mental disability. The proceedings and decisions of the board shall be transmitted to the Secretary of the Treasury, and shall by him be laid before the President for his approval or disapproval and his orders in the case.

Mr. MANN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 5, line 4, page 3, by striking out the words "revenue cutter" and inserting the word "navy."

Mr. MANN. Mr. Chairman, I recognize the futility of endeavoring to amend this bill against the objection of the gentlemen who have it in charge. This is an amendment which would, under ordinary circumstances, be accepted as proper, but I have no hope that they will accept it now when it is offered to them in this way.

Mr. Chairman, I was not able to hear the entire argument of the gentleman from Iowa [Mr. HEPBURN] this afternoon, because I felt the need of inner refreshment. During my absence from the Hall the gentleman, in a facetious tone, referred to me, saying that if there were anything in the theory of the transmigration of souls, "the gentleman from Illinois," referring to myself, "would at some future day be reincarnated and appear as a mule with four hind legs, all in vigorous operation." [Laughter.]

My remembrance is that the theory of the transmigration of souls is one which is held in the far East, in India, among the Hindoos. I do not pretend to have great knowledge in reference to that theory or great knowledge, indeed, in reference to any other subject; but the gentleman having compared me to a Hindoo, I may say that I feel very much like the Hindoo described in a rhyme which some of us have heard:

The poor benighted Hindoo,
He does the best he kindo.
He sticks to caste from first to last;
And for clothes he makes his skindo.

[Laughter.]

The question being taken on the amendment of Mr. MANN, it was rejected.

Mr. McDERMOTT. Mr. Chairman, while I intend to vote for this bill, I shall not do so under any misapprehension of its true relation to the Government of the United States. The Revenue-Cutter Service is not a part of the War Department of the United States, neither is it a part of the Navy. Its incidental connection with the Spanish-American war no more justifies the crediting of the Revenue-Cutter Service to either of those departments than does the fact that bakers, butchers, printers, merchants, and lawyers fought in that war justify the placing of those engaged in those employments under the care of those departments. The regular duty of the revenue cutters is not in the line of war, and the employees of that service render aid in time of war for reasons but slightly different from those which summon all citizens to bear arms.

The attempt to pass this bill under the guise of legislation for the War or Navy Department is one that disposes me against it; but I believe that the measure has merits which justify it as legislation for our civil service.

My vote is for this bill on the same grounds that it would be for the pensioning of a policeman, a fireman, or a school-teacher who had grown old in the public service, and I do not propose to resort to the subterfuge of saying that the Revenue-Cutter crews are in the Navy. They are employed in most dangerous service, and will, of course, be serviceable in times of war. But they are not in the employ of the War or Navy Department. Their pay rolls are in the Treasury Department, and they are under the control of that Department. The trend of the age includes protection and support for those who grow old and incapacitated in service, and this whether the service is public or private. The great corporations of the country are moving in this direction, and it will make for the betterment of their relations with their employees. The dangers of a "retirement list" have been very much exaggerated, and if the civil service of this country could be so reformed as to abolish sinecures: if the Government could be placed in a position that it was called upon to pay only for work rendered, higher, better service would be promoted by a "retirement list," properly started and properly guarded. The trouble now is that the civil pay rolls of the National Government are, to an alarming extent, "retirement lists," upon which are found the names of those who render little or no service. Purge the civil lists of these names and the people will be willing to see a civil-service "retirement list" passed by any Congress. To those

who are advocating this bill, but declaring that they would not do so if it could be shown to open the way to a civil-service "retirement list," I beg to say that they are not deceiving even themselves. A good measure does not need the support of unsound pleading, and in casting my vote for the bill I desire to utterly reject the proposition that it is a measure connected with the Army or Navy Department.

The CHAIRMAN. Without objection, the pro forma amendment will be regarded as withdrawn. The Clerk will read the next section.

The Clerk read as follows:

SEC. 6. That when a board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of service, or is due to the infirmities of age, or physical or mental disability, and not his own vicious habits, and such decision is approved by the President, he shall be retired from active service and placed upon a retired waiting-orders list. Officers thus retired may be assigned to such duties as they may be able to perform, in the discretion of the Secretary of the Treasury.

Mr. MANN. I offer the amendment which I send to the desk. The Clerk read as follows:

Amend section 6 by adding at the end thereof the following:

"Provided, That no officer shall be placed on the retired waiting-orders list because of infirmity of age who has not served in the Revenue-Cutter Service at least forty years, and no officer shall be placed on said waiting-orders list by reason of physical or mental disability who has not served in the Revenue-Cutter Service at least twenty years, unless said physical or mental disability is the result of injury incurred in the line of active duty in the service."

Mr. MANN. Mr. Chairman, the present provision is that a Revenue-Cutter officer must enlist in the service or enter the service as a cadet in the line before he is 23 years old. That is the regulation. The law, I believe, is 25 years. This amendment would prevent his retirement for age unless he had been in the service forty years, either in the Revenue-Cutter Service or in the Navy and the Revenue-Cutter Service combined. It seems to me that in addition to that it is a fair proposition that no officer in the Revenue-Cutter Service shall be retired for disability which is not incurred in the service unless he has been in the service for twenty years.

We know very well, every member of the House knows perfectly well, that the moment you permit a board of Revenue-Cutter officers to retire Revenue-Cutter officers we shall have the conditions in the Revenue-Cutter Service which Secretary Root says now exist in the Army service, and which Congress has been endeavoring to remedy in the Army service.

A retiring board of Revenue-Cutter officers has the incentive at once to retire officers in order to make places for the junior officers below them, and unless there is a limitation of some kind placed in the bill there will shortly be more Revenue-Cutter officers on the retired list than there are upon the active list.

The Secretary of War is now recommending that some provision be inserted covering the present trouble in reference to the Army retired list, and it occurs to me that it will not harm anybody to say that they shall not be retired for age short of forty years' service or for incapacity caused other than by injury in the service short of twenty years. I do not see how the gentleman can make any objection to that provision.

Mr. GROSVENOR. Mr. Chairman, this is a discrimination that applies to no other branch of the service, and is manifestly an attempt to fasten an unfriendly amendment upon the bill. I hope it will be voted down.

The CHAIRMAN. The question is upon the adoption of the amendment of the gentleman from Illinois [Mr. MANN].

The amendment was rejected.

The Clerk read as follows:

SEC. 8. That when any commissioned officer is retired from active service, the next officer in rank shall be promoted according to the established rules of the service, and the same rule of promotion shall be applied successively to the vacancies consequent upon such retirement: *Provided*, That all promotions shall be subject to examination to determine the professional qualifications of the candidates, and such examination shall be wholly written before a board of officers of the Revenue-Cutter Service, and their physical qualifications shall be reported upon by a board of medical officers of the Marine-Hospital Service; and such board shall be convened by the Secretary of the Treasury whenever the exigencies of the service require.

Mr. MANN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois offers an amendment which will be reported by the Clerk.

Mr. MANN. I do this even at the risk of incurring the displeasure of the distinguished gentleman from Ohio [Mr. GROSVENOR].

The CHAIRMAN. One moment. Let the amendment be read.

The Clerk read as follows:

Amend section 8, line 19, page 4, by striking out the words "according to the established rules of the service."

Mr. MANN. Mr. Chairman, if anybody can tell me what the "established rules of the service" are, I shall be very much delighted to hear him. Here is a proposition absolutely taking out of the control of the President or of Congress, or out of the control of

the law, any question in regard to the promotion of officers. They shall be promoted according to the "established rules of the service"—rules which may be established now or rules which may be established hereafter. It is a queer provision to put in the law, notwithstanding the opinion of the gentleman from Ohio [Mr. GROSVENOR], who, with that versatility which he has, stands pat upon a proposition without regard to its reasoning.

I suppose the gentleman from Ohio is getting himself in preparation for forcing this side of the House to vote exactly as he demands that they shall vote upon the proposition for reciprocity with Cuba. It looks dangerous to see anybody offer an amendment to a bill, and I suggest his attitude as a fine example for the humorist from Maine, who, to his title of "expounder of the Constitution," has now added that of the "funny man from the Northeast." [Laughter.]

Mr. LACEY. I move to amend the amendment by striking out, after the word "service," the remainder of line 18.

The CHAIRMAN. The gentleman from Iowa moves to amend the amendment by striking out, after the word "service," the remainder of line 18.

Mr. LACEY. Mr. Chairman, this is clearly an unconstitutional law that we are passing. I am not surprised to see gentlemen laugh at the suggestion of the Constitution. "What is the Constitution, anyhow, between friends?" as has been suggested by a statesman.

A MEMBER. That suggestion originally came from the other side of the House.

The CHAIRMAN. Will the gentleman from Iowa kindly send up his amendment?

Mr. LACEY. It is simply to strike out all after the word "service" in line 18.

The CHAIRMAN. The Chair is of opinion that that should be offered as an independent amendment, rather than as an amendment to the amendment.

Mr. LACEY. It is a part of the same proposition. I ask the gentleman from Illinois [Mr. MANN] if he will accept the amendment?

Mr. MANN. I do not know what the provision is.

Mr. LACEY. The amendment is to strike out the provision which requires the President to always promote the next man in rank.

The CHAIRMAN. Without objection the amendment will be considered, but otherwise the Chair would have to rule it out of order at this time.

Mr. LACEY. No one has made the point of order.

The CHAIRMAN. As there is no objection, the amendment will be considered.

Mr. MANN. I understood the gentleman to say that he was endeavoring to explain the point of the Constitution, and this was unconstitutional. I would like to ask the gentleman if he has the opinion of the gentleman from Maine upon the Constitution? [Laughter.]

Mr. LACEY. I think we can get at that by leaving out the constitutional question.

Mr. MANN. If you leave out the Constitution, there is no use of our considering the constitutional question.

Mr. LACEY. Mr. Chairman, I may not get the attention of the gentleman from Maine, but the Chair is a constitutional lawyer, and I will address him, and over his head the members of the committee. Here is a proposition that the next officer in rank shall in all cases be promoted, so that the next man is entitled to his promotion, without any reference to the fact that the Constitution of the United States, which creates so much amusement among some gentlemen here now, gives the appointing power to the President of the United States. I do not believe that we can constitutionally enact a law compelling the President of the United States in all cases to select the next man in rank for any office.

Mr. GROSVENOR. Mr. Chairman, this is the law of the country in regard to promotions in the Army and Navy, and has been for more than a hundred years; and the idea that the gentleman has fallen upon is a law of Congress attempting to compel an appointment by the President where no provision of law is made to appoint a certain man or a man of a certain rank. But the army organization to-day provides, and always has, that up to the rank of brigadier-general the next in seniority of service shall be promoted. "Shall be" is the language and always has been. That constitutional question that the gentleman presents does not come into this question in any way whatever.

Mr. MANN. May I ask the gentleman from Ohio a question?

Mr. GROSVENOR. Yes; certainly.

Mr. MANN. Not in reference to that point, but in reference to another point in the same connection, which says that the promotion shall be subject to examination. That is in section 8. Now, I call the gentleman's attention to this point. Undoubtedly it is the design that the examination, both mental and physical,

shall be reported upon favorably. The bill does not so state, and I do not know whether that section as it stands is in conformity with the law relating to the Army and the Navy or not, though it may have a construction that way. It says it shall be subject to examination.

Mr. GROSVENOR. All promotions in the Army and Navy are made after examination.

Mr. MANN. I understand they are. "Subject to examination" is put in here. The law requires that the board shall report favorably both upon the mental and physical qualifications. Here it only says he shall be examined, but does not require that the examination shall be favorable.

Mr. GROSVENOR. The gentleman is not serious in that.

Mr. MANN. I am serious.

Mr. GROSVENOR. I am sorry if the gentleman is. That is always implied.

Mr. MANN. If the gentleman can not answer—

Mr. GROSVENOR. It is implied, as a matter of course, that the examination for promotion shall result favorably. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Iowa to the amendment proposed by the gentleman from Illinois.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Sec. 9. That all officers borne upon the retired or permanent waiting-orders list at the date of the passage of this act, or hereafter, shall receive 75 per cent of the duty pay, salary, and increase of the rank upon which they have been or may be retired.

Mr. LACEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Add to section 9 the following:

"Provided, That no such longevity increase of pay shall be allowed for any length of service after retirement."

Mr. LACEY. Mr. Chairman, this matter was discussed the other day on the Army appropriation bill, and the attempt was made to embody this provision in that bill, but a point of order was made that it changed existing law. It was conceded by everybody—

Mr. SHERMAN. The committee will accept the amendment.

Mr. LACEY. Very well.

The CHAIRMAN. The question is on the adoption of the amendment proposed by the gentleman from Iowa.

The question was taken; and the amendment was agreed to.

Mr. RICHARDSON of Alabama. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend section 9 by striking out, after the word "officers," in line 5, the following: "Borne upon the retired or permanent waiting-orders list at the date of the passage of this act, or hereafter," and insert in place thereof the following: "hereafter placed upon the retired or permanent retired or waiting-orders list."

Mr. RICHARDSON of Alabama. Mr. Chairman, the amendment I have just offered is aimed at one of the worst features of this bill—a bill, Mr. Chairman, whose supporters seem recklessly determined to pass it just as it is, regardless of consequences. Section 9 is in the nature of an ex post facto law. It is retroactive. It seems to me that it is a very rare emergency that makes it necessary for a law to be retroactive. Now, what occasion, what justice and fairness is there in framing this section as it reads and making it relate back to those on the "retired and waiting orders list" who now receive the handsome annuity of \$1,250?

These officers are simply incapable of rendering the Government any service. This law, retroactive as it is, goes back to those who are now on the retired list—the halt, the maimed—those whose health is gone, and takes men by the hand and brings them up and gives them the full benefit of the proposed law regardless of any service whatsoever. These men on the retired list are not complaining. Their compensation is ample. They are content with their labors and their pay, but to satisfy a vain and empty pride and ambition the Congress is asked to thrust its hand into the pockets of the taxpayers of this country and grant this unjust and unreasonable demand for increased pay on a civil pension list.

This section of the bill is offensive, Mr. Chairman, in every respect and in defiance of those great principles and dictates of common justice and common sense prevailing in the minds of the people of this country that a law or statute ought not to be retroactive; it ought not to go back and put a man in a far better position pecuniarily to-day than he was when he accepted retirement of his own volition and on his own application. That is what this section means. It reads "upon which they have been or may be retired."

Why, Mr. Chairman, what justification can we give for that? Have these men on this retired or waiting-orders list given any additional reason since their voluntary retirement why they should be made the recipients of this generous bounty? They are not capable of rendering any service. Is this any reason for paying them a higher salary than when they were on the active list? Is it for services that they have rendered in the past? If so, then the law has already paid them. They are now on the "retired list on waiting orders." This section is really one of the most objectionable features in the whole bill. I know, Mr. Chairman, that some of the supporters of this bill apparently are careless and indifferent as to its real purport. This is a Senate bill that we are considering, and when this House passes it, as it seems determined to do, the chances are that it will become a law of the land. It will not be the last of it. It will come back to us in the shape of numberless demands to place other just as worthy, just as courageous and efficient servants and employees of the Government on a retired civil-pension list for life. I can see them now in the future coming in troops to this Capitol.

Mr. MANN. Mr. Chairman, when the naval personnel bill was passed, this identical question was presented which the gentleman from Alabama presents by his amendment. We have heard all this talk about placing the officers of the Revenue-Cutter Service on a par with the Navy. The personnel bill excepted the officers of the retired list of the Navy so that under that bill the officers of the Navy who had been retired prior to that time received no benefit from the passage of that bill. But here is a proposition to increase the pay of the captains of the Revenue-Cutter Service now under permanent waiting orders, placed there at their own request, to increase the pay from \$1,250 to \$2,625 each year.

Now, when this House refuses to pass a pension bill above \$72 a month—and I think there has been only one of that kind—they propose to increase by more than \$100 a month the retired officers in the Revenue-Cutter Service, who are already there at their own request. What is the justice of that? These men are retired; they are placed on the permanent waiting-orders list under an act of Congress which they petitioned for themselves. We refused to do it for the Navy. We ought not to do it now for the Revenue-Cutter Service.

It is easy for the gentleman from Ohio to say that those of us who are opposed to the passage of the bill ought not to have anything to say about the amendments; that is within the power of the majority of the House. It is within their power to prevent us, but it is not within their power to prevent our expressing reasons which, if they overcome by votes, they will find will come back to plague them in the future.

Mr. UNDERWOOD. Mr. Chairman—

The CHAIRMAN. Does the gentleman desire to speak in opposition to the amendment?

Mr. UNDERWOOD. No; I desire to favor the amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Iowa in opposition to the amendment.

Mr. HEPBURN. Mr. Chairman, I am afraid my friend has not read this section. It reads:

That all officers borne upon the retired waiting-orders list at the date of the passage of this act, or hereafter, shall receive 75 per cent of the duty pay, salary, and increase of the rank upon which they have been or may be retired.

I do not understand that that increases the pay of the man that has been retired.

Mr. MANN. Will the gentleman permit me?

Mr. HEPBURN. For what purpose?

Mr. MANN. To ask a question.

Mr. HEPBURN. Yes.

Mr. MANN. I want to ask him whether the word "rank" is not the word referred to by the words "have been?"

Mr. HEPBURN (reading):

Shall receive 75 per cent of the duty pay, salary, and increase of the rank upon which they have been or may be retired.

I think that must refer to the pay. You can not get 75 per cent increase of rank, and therefore you have to take 75 per cent increase of pay that they receive at the time they were retired.

Besides, Mr. Chairman, this is rather a small matter. There are only a few of these old men. They are very old men. All of them were retired a good many years ago. They were not retired upon their own request, but they were retired because for a long time they had been incapacitated for service. They were retired upon a bill passed upon the recommendation of the Secretary of the Treasury, in order that these incapacitated men, incapacitated at that time largely from age, give place to younger men. I doubt if there are any of these men under 70 years of age. I think there are but 23 in all, and they have served more than forty years, the greater number of them. I think the gentleman, with his zeal, might at least take his rough hand off from these old men and let them get into their graves with something of comfort. [Laughter.]

Mr. MANN. I have just as much sympathy for the "old men" as has the gentleman from Iowa. In fact, I believe I am somewhat older, at least in spirit, than the gentleman, and therefore ought to have more sympathy for the "old men." I cheerfully concede that I can not equal the gentleman from Iowa in enthusiasm, while I am inclined always to lean upon his elder judgment.

But let me say that many of these men on the permanent waiting-orders list are not old men. I have before me the record of one who was born September 17, 1862—not an old man—retired upon the application of Revenue-Cutter officers who asked Congress to pass an act retiring him on a fair salary. He was retired before he had ever performed much service. Why should he be paid any better than the veterans of the civil war whose cases we now quibble about when it comes to paying them a pension of any size?

Mr. HEPBURN. That man was retired because he was insane, was he not? And he receives, I believe, \$900 a year.

Mr. MANN. I do not know for what he was retired. He was a second assistant engineer. There are three second assistant engineers on this list, and a number of other officers below the rank of captain and chief engineer, who are not retired on account of old age at all.

Mr. UNDERWOOD. Mr. Chairman, as I understood the argument of the chairman of the committee, the closing part of his statement was that these men who are on the retired list will receive the increased pay under this bill, as originally stated by the gentleman from Illinois. In other words, if we pass this bill there are a number of men now retired from this service and receiving \$1,250 a year to whom, without rhyme or reason or excuse, we are going to pay for the balance of their lives, without requiring any service from them, \$2,500 a year from the Treasury of the United States. This is something that has never been known before, I warrant, in the history of the legislation of this country. Under the guise of a bill "to promote the efficiency of the Revenue-Cutter Service," we are to take a number of men who have been retired from that service, upon whom the Government has no claim, and upon whom it never expects to have any claim in the future—men who have been retired under former law by former Secretaries, and who have been receiving \$1,250 a year—we are to take those men, and, simply because they have friends in this court, to pay them \$2,500 a year out of the public Treasury. That is a fair sample of this bill. It is about all there is in it.

While this is denominated "a bill to increase the efficiency of the Revenue-Cutter Service," it carries a fraud in its title, because that is not its object. There is not a man on this floor who has risen in advocacy of the bill who has not contended that this is now the most efficient service in the United States. But along the same line, we propose to give these retired gentlemen, who are now out of this service, earning their living, perhaps, in some other way and having control of their own time, \$1,250 a year as a bonus out of the Federal Treasury, that belongs to your constituents and mine. We propose to treat these gentlemen thus munificently because they have some good friends here who want them to get this increase. That is about all the merit there is in the bill, so far as I can see, from beginning to end, because, as I have said, not a man who has advocated the bill, so far as I have heard, has contended for one moment that "the efficiency of the service" is going to be increased by the measure. The friends of the bill have spent their time on this floor telling us how efficient this service has been under the law in the past.

Mr. SHERMAN. Mr. Chairman, I move that all debate on this section and amendments thereto be now closed.

Mr. MANN. I hope the gentleman will give me a moment or two.

Mr. SHERMAN. Very well; I make it one minute.

Mr. MANN. Let me have two or three minutes.

Mr. SHERMAN. I move to close debate in two minutes.

The motion of Mr. SHERMAN was agreed to.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman in charge of this bill the meaning of this language used in the pending section: "Duty pay, salary." What is the difference between "duty pay" and "salary?" What is the reason for putting this language in the bill? There must be some reason for it. What does the language mean? Does it mean that "duty pay" is one thing and "salary" another thing—something additional?

Mr. SHERMAN. The language is precisely the same as that used in the Navy bill.

Mr. MANN. I beg the gentleman's pardon; I understand not.

Mr. SHERMAN. I understand it is. I am so advised by a member of the Naval Committee, a member who was very much interested in the drafting and passage of the naval personnel bill.

Mr. MANN. I was informed by an officer in the office of the paymaster of the Navy and the Army both that there was no such thing in either the Army or the Navy.

Mr. SHERMAN. I am differently informed.

Mr. MANN. Well, what does it mean? The gentleman must know whether "duty pay" means so much money, and "salary" means so much more, and "increase" so much more. We know what increase means; it means 10 per cent additional for each five years' service. But I would like to know if the gentleman is willing to acquaint us as to whether "duty pay" and "salary" are two different things, and what they are. If the gentleman does not understand this bill, why he might give some of the rest of us an opportunity to explain, without cutting off debate. I yield to the gentleman the balance of my time.

Mr. SHERMAN. Mr. Chairman, I—

The CHAIRMAN. The time for debate has expired. The question is on the adoption of the amendment offered by the gentleman from Alabama.

Mr. RICHARDSON of Alabama. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Alabama [Mr. RICHARDSON] offers an amendment to the amendment, which the Clerk will read.

Mr. RICHARDSON of Alabama. I withdraw that for the moment, Mr. Chairman. I want to offer it after the vote on the pending amendment.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Alabama, to strike out certain words and insert certain other words.

The question was taken, and the amendment was rejected.

Mr. RICHARDSON of Alabama. Mr. Chairman, I offer the following amendment, which I will ask the Clerk to read.

The Clerk read as follows:

Section 9, after the word "retired," in line 9, insert the words: "Provided further, That officers on the waiting list shall be retired at 75 per cent of the rate of pay and allowance to which they were entitled when placed on the waiting list."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I will ask the Clerk to read.

The Clerk read as follows:

Amend section 9 by adding at the end thereof the following:

"Provided, That no person by reason of the provisions of this section shall be paid at the rate of more than \$100 per calendar month."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. SHAFROTH. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SHAFROTH. The hour of 5 o'clock having arrived, Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. SHAFROTH) there were ayes 36, noes 92.

So the motion was lost.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I will ask the Clerk to read.

The Clerk read as follows:

Amend section 9, line 8, by striking out the words "duty and salary."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk then continued and concluded the reading of the bill.

Mr. SHERMAN. Mr. Chairman, I move that the committee do now rise and report the bill—

Mr. MANN. Mr. Chairman, I offer the following amendment.

Mr. SHERMAN. I withdraw the motion temporarily, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend the bill by striking out the enacting clause.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the enacting clause in the bill.

The question was taken; and on a division, called for by Mr. MANN, there were—ayes 44, noes 104.

So the amendment was rejected.

Mr. SHERMAN. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 1025) and had instructed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. SHERMAN. Mr. Speaker, I ask the previous question on the bill and amendments to passage.

The SPEAKER. The gentleman from New York demands the previous question on the bill and amendments to passage.

Mr. MANN. The hour of 5 o'clock having been reached, I move that the House do now adjourn.

The SPEAKER. The gentleman from Illinois moves that the House do now adjourn.

The question being taken, the Speaker announced that the yeas appeared to have it.

Mr. MANN. I ask for a division.

The committee divided; and there were—ayes 34, yeas 115.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. The Chair will count.

After counting the House, the Speaker announced 189 members (a quorum) present.

Accordingly the motion to adjourn was rejected.

The SPEAKER. The question now is on the motion of the gentleman from New York [Mr. SHERMAN] to order the previous question.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, they will be submitted to the House in gross.

The amendments were agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question now is on the passage of the bill. Mr. MANN. I move that the bill be recommitted to the Committee on Interstate and Foreign Commerce.

The motion was rejected.

The SPEAKER. The question is now on the passage of the bill. The question being taken, the Speaker announced that the yeas appeared to have it.

Mr. MANN demanded a division.

Mr. GLENN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 134, yeas 49, answered "present" 19, not voting 153, as follows:

YEAS—134.

Adams,	Darragh,	Hill,	Payne,
Adamson,	Davey, La.	Howell,	Pearre,
Alexander,	Davidson,	Jack,	Perkins,
Allen, Me.	Davis, Fla.	Jenkins,	Prince,
Aplin,	Decmer,	Jones, Wash.	Pugsley,
Beidler,	Dick,	Kahn,	Ray, N. Y.
Bell,	Draper,	Knapp,	Roberts,
Bellamy,	Edwards,	Kyle,	Russell,
Belmont,	Elliott,	Landis,	Ryan,
Bowie,	Emerson,	Lessler,	Salmon,
Brantley,	Esch,	Lever,	Scarborough,
Breazeale,	Evans,	Lindsay,	Schirm,
Brick,	Finley,	Littauer,	Shallenberger,
Bristow,	Fitzgerald,	Littlefield,	Sherman,
Broussard,	Fletcher,	McDermott,	Smith, Ill.
Brown,	Fordney,	McLachlan,	Smith, H. C.
Bull,	Foster, Vt.	Mahon,	Smith, Wm. Alden
Burke, S. Dak.	Gardner, N. J.	Marshall,	Southwick,
Burleigh,	Gibson,	Martin,	Sperry,
Butler, Pa.	Gillet, N. Y.	Metcalf,	Stewart, N. Y.
Calderhead,	Goldfogle,	Meyer, La.	Sulzer,
Cassel,	Graff,	Minor,	Sutherland,
Conner,	Graham,	Moody, N. C.	Tawney,
Coombs,	Green, Pa.	Moody, Oreg.	Taylor, Ohio
Cooper, Wis.	Greene, Mass.	Morgan,	Thomas, N. C.
Corliss,	Griffith,	Morris,	Tompkins, Ohio
Cousins,	Grosvenor,	Moss,	Vreeland,
Cromer,	Grow,	Mudd,	Wachter,
Crowley,	Hall,	Mutchler,	Wanger,
Currier,	Hamilton,	Napen,	Weeks,
Curtis,	Haskins,	Nevin,	Wilson,
Cushman,	Hedge,	Olmsted,	Woods,
Dahle,	Hemenway,	Otjen,	
Dalzell,	Hepburn,	Patterson, Pa.	

NAYS—49.

Allen, Ky.	Gillett, Mass.	Mondell,	Shafroth,
Ball, Tex.	Glenn,	Moody, Mass.	Sims,
Burkett,	Henry, Miss.	Moon,	Smith, Ky.
Burleson,	Johnson,	Needham,	Stark,
Candler,	Jones, Va.	Neville,	Underwood,
Cannon,	Kleberg,	Padgett,	Warner,
Cochran,	Lacey,	Palmer,	Wheeler,
De Armond,	Lawrence,	Reeder,	White,
Dinsmore,	Little,	Reid,	Williams, Ill.
Driscoll,	Lloyd,	Richardson, Tenn.	Zenor.
Fleming,	Long,	Robb,	
Fox,	Loud,	Robinson, Nebr.	
Gardner, Mich.	Mann,	Selby,	
Bartlett,	Hooker,	Lewis, Pa.	Smith, S. W.
Clark,	Irwin,	Miers, Ind.	Snodgrass,
Clayton,	Jett,	Miller,	Tirrell,
Crumpacker,	Kitchin, Wm. W.	Pierce,	Vandiver.
Hitt,	Kluttz,	Richardson, Ala.	

ANSWERED "PRESENT"—19.

NOT VOTING—153.

Acheson,	Feely,	Livingston,	Sheppara,
Babcock,	Flood,	Loudenslager,	Showalter
Ball, Del.	Foerderer,	Lovering,	Sibley,
Bankhead,	Foss,	McAndrews,	Skiles,
Barney,	Foster, Ill.	McCall,	Slayden,
Bartholdt,	Fowler,	McCleary,	Small,
Bates,	Gaines, Tenn.	McClellan,	Smith, Iowa
Benton,	Gaines, W. Va.	McCulloch,	Snook,
Bingham,	Gilbert,	McLain,	Southard,
Bishop,	Gill,	McRae,	Sparkman,
Blackburn,	Gooch,	Maddox,	Spight,
Blakeney,	Gordon,	Mahoney,	Steele,
Boreing,	Griggs,	Maynard,	Stephens, Tex.
Boutell,	Hanbury,	Mercer,	Stevens, Minn.
Bowersock,	Haugen,	Mickey,	Stewart, N. J.
Brownlow,	Hay,	Morrell,	Storm,
Brundidge,	Heatwole,	Newlands,	Sulloway,
Burgess,	Henry, Conn.	Norton,	Swanson,
Burk, Pa.	Henry, Tex.	Otey,	Talbert,
Burnett,	Hildebrandt,	Overstreet,	Tate,
Burton,	Holliday,	Parker,	Taylor, Ala.
Butler, Mo.	Hopkins,	Patterson, Tenn.	Thayer,
Caldwell,	Howard,	Pou,	Thomas, Iowa
Capron,	Hughes,	Powers, Me.	Thompson,
Cassingham,	Hull,	Powers, Mass.	Tompkins, N. Y.
Connell,	Jackson, Kans.	Randell, Tex.	Tongue,
Conry,	Jackson, Md.	Ransdell, La.	Trimble,
Cooney,	Joy,	Reeves,	Van Voorhis,
Cooper, Tex.	Kehoe,	Rhea, Va.	Wadsworth,
Cowherd,	Kern,	Rixey,	Warnock,
Creamer,	Ketcham,	Robertson, La.	Watson,
Cummings,	Kitchin, Claude	Robinson, Ind.	Wiley,
Dayton,	Knox,	Rucker,	Williams, Miss.
De Graffenreid,	Lamb,	Rumple,	Wooten,
Dougherty,	Lanham,	Ruppert,	Wright,
Douglas,	Lassiter,	Scott,	Young,
Dovener,	Latimer,	Shackelford,	
Eddy,	Lester,	Shattuc,	
	Lewis, Ga.	Shelden,	

So the bill was passed.

The following pairs were announced:

Until further notice:

Mr. HOLLIDAY with Mr. BURGESS.

Mr. LOUDENSLAGER with Mr. DE GRAFFENREID.

Mr. IRWIN with Mr. GOOCH.

Mr. CAPRON with Mr. JETT.

Mr. OVERSTREET with Mr. COWHERD.

Mr. VAN VOORHIS with Mr. GORDON.

Mr. BARNEY with Mr. MCRAE.

Mr. BROWNLOW with Mr. PIERCE.

Mr. SKILES with Mr. TALBERT.

Mr. RUMPLE with Mr. THOMPSON.

Mr. MERCER with Mr. BANKHEAD.

Mr. STEWART of New Jersey with Mr. WOOTEN.

Mr. SHELLEN with Mr. FEELY.

Mr. REEVES with Mr. HENRY of Texas.

Mr. SHOWALTER with Mr. SLAYDEN.

Mr. EDDY with Mr. SHEPPARD.

Mr. KETCHAM with Mr. SNODGRASS.

Mr. HULL with Mr. WILLIAM W. KITCHIN.

Mr. MCCALL with Mr. STEPHENS of Texas.

For this session:

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. HEATWOLE with Mr. TATE.

Mr. YOUNG with Mr. BENTON.

Mr. BOREING with Mr. TRIMBLE.

Mr. WATSON with Mr. MIERS of Indiana, until Saturday.

Mr. BARTHOLDT with Mr. RUCKER, one week.

For this day:

Mr. BOUTELL with Mr. BRUNDIDGE.

Mr. FOERDERER with Mr. GILBERT.

Mr. BOWERSOCK with Mr. CALDWELL.

Mr. CONNELL with Mr. COONEY.

Mr. GILL with Mr. HOWARD.

Mr. HAUGEN with Mr. SWANSON.

Mr. BALL of Delaware with Mr. RICHARDSON of Alabama.

Mr. FOSS with Mr. BUTLER of Missouri.

Mr. ACHESON with Mr. NORTON.

Mr. BABCOCK with Mr. WILLIAMS of Mississippi.

Mr. DOVENER with Mr. MCCLELLAN.

Mr. KNOX with Mr. RIXEY.

Mr. STEELE with Mr. ROBINSON of Indiana.

Mr. BURTON with Mr. KEHOE.

Mr. FOWLER with Mr. BARTLETT.

Mr. MORRELL with Mr. DOUGHERTY.

Mr. WARNOCK with Mr. SNOOK.

On this vote:

Mr. WADSWORTH with Mr. WILEY.

Mr. STEVENS of Minnesota with Mr. POU.

Mr. SOUTHARD with Mr. MICKEY.

Mr. SIBLEY with Mr. NEWLANDS.

Mr. SCOTT with Mr. McLAIN.

Mr. STORM with Mr. RANDELL of Texas.

Mr. PARKER with Mr. MCCULLOCH.

Mr. McCLEARY with Mr. LIVINGSTON.
 Mr. JACKSON of Maryland with Mr. KERN.
 Mr. HILDEBRANT with Mr. JACKSON of Kansas.
 Mr. DAYTON with Mr. PATTERSON of Tennessee.
 Mr. SHATTUC with Mr. RHEA of Virginia.
 Mr. LOVERING with Mr. LEWIS of Georgia.
 Mr. BATES with Mr. MADDOX.
 Mr. DOUGLAS with Mr. SPIGHT.
 Mr. WRIGHT with Mr. SHACKLEFORD.
 Mr. JOY with Mr. CLAUDE KITCHIN.
 Mr. SULLOWAY with Mr. COOPER of Texas.
 Mr. BLAKENEY with Mr. LANHAM.
 Mr. POWERS of Maine with Mr. POWERS of Massachusetts.
 Mr. RUPPERT with Mr. SPARKMAN.
 Mr. LEWIS of Pennsylvania with Mr. HUGHES.
 Mr. SAMUEL W. SMITH with Mr. TONGUE.
 Mr. TAYLOR of Alabama with Mr. GAINES of Tennessee.
 Mr. LASSITER with Mr. MAHONEY.
 Mr. BURK of Pennsylvania with Mr. GAINES of West Virginia.
 Mr. CONRY with Mr. THAYER.
 Mr. TOMPKINS of New York with Mr. TIRRELL.
 Mr. CUMMINGS with Mr. HENRY of Connecticut.
 Mr. BINGHAM with Mr. CLAYTON of Alabama.
 Mr. HANBURY with Mr. GRIGGS.
 Mr. LATIMER with Mr. VANDIVER.
 Mr. SMALL with Mr. BURNETT.
 Mr. BLACKBURN with Mr. KLUTTZ.
 Mr. RANSEDELL of Louisiana with Mr. MILLER.
 Mr. ROBERTSON of Louisiana with Mr. MCANDREWS.
 Mr. CREAMER with Mr. FOSTER of Illinois.
 Mr. HOPKINS with Mr. HITT.
 Mr. MAYNARD with Mr. CLARK.
 Mr. CRUMPACKER with Mr. LAMB.
 Mr. SMITH of Iowa with Mr. THOMAS of Iowa.
 Mr. OTEY with Mr. HAY.
 Mr. LESTER with Mr. BISHOP.
 Mr. COOPER of Texas. Mr. Speaker, I am paired with the gentleman from New Hampshire, Mr. SULLOWAY. If he were present, I would vote "nay."

The SPEAKER. That is not in order. Does the gentleman desire to change his vote to "present?"

Mr. COOPER of Texas. I have not voted.

The result of the vote was then announced as above recorded.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. PUGSLEY obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of John Percival, Twenty-second Congress, no adverse report having been made thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12095. An act to amend section 4883 of the Revised Statutes, relating to the signing of letters patent for inventions;

H. R. 1278. An act granting an increase of pension to La Myra V. Kendig;

H. R. 1503. An act granting an increase of pension to Michael Farrell;

H. R. 2287. An act granting an increase of pension to George McDaniel;

H. R. 6918. An act granting an increase of pension to Thomas Bliss;

H. R. 6016. An act granting an increase of pension to William J. Overman;

H. R. 610. An act to correct the military record of John F. Antlitz;

H. R. 9848. An act granting an increase of pension to Joseph Cowgill;

H. R. 6498. An act granting an increase of pension to Matthew C. Medbury;

H. R. 2545. An act granting an increase of pension to Isaac H. Crim;

H. R. 7811. An act granting a pension to Mary King;

H. R. 7250. An act granting an increase of pension to Margaret Henry;

H. R. 5712. An act granting a pension to Alice Bozeman;

H. R. 1275. An act granting an increase of pension to Charles W. Thomas;

H. R. 5327. An act granting an increase of pension to William H. Mackey;

H. R. 1190. An act granting an increase of pension to Albert S. Whittier;

H. R. 5761. An act granting a pension to Thomas F. Walter;

H. R. 3275. An act granting an increase of pension to William G. Johnson;

H. R. 6687. An act granting an increase of pension to Lorenzo Blackman;

H. R. 809. An act granting an increase of pension to James P. Burchfield;

H. R. 1714. An act granting an increase of pension to Levi H. Winslow;

H. R. 725. An act granting an increase of pension to Joseph B. Arbaugh;

H. R. 1938. An act granting an increase of pension to Helen V. Rorer;

H. R. 8048. An act granting an increase of pension to James A. Bramble;

H. R. 10141. An act granting an increase of pension to William R. Armstrong;

H. R. 10415. An act granting a pension to Sarah M. Smith;

H. R. 8651. An act granting a pension to Maggie Helmbold;

H. R. 918. An act granting an increase of pension to Charles Misner;

H. R. 283. An act granting an increase of pension to Robert M. McCullough;

H. R. 8471. An act granting a pension to Eliza A. Wright;

H. R. 10692. An act granting an increase of pension to David C. Maples;

H. R. 11053. An act providing for the issuance of patents to the town site of Basin City, Wyo., to the municipal authorities thereof for the use and benefit of said town, and for other purposes;

H. R. 6196. An act transferring a lot in Woodland Cemetery to city of Quincy, Ill.;

H. R. 9621. An act granting an increase of pension to Andrew Y. Transue; and

H. R. 9791. An act granting an increase of pension to John Reep.

The SPEAKER announced his signature to an enrolled bill of the following title:

S. 3231. An act to legalize and maintain a new steel bridge erected in the place of the old wooden structure, across the Little Tennessee River at Niles Ferry, Tennessee, by the Atlanta, Knoxville, and Northern Railroad.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 167. An act for the relief of John L. Smithmeyer and Paul J. Pelz—to the Committee on Claims.

S. 3437. An act to amend chapter 4, Title XIII, of the Revised Statutes of the United States—to the Committee on the Judiciary.

S. 4339. An act authorizing the White River Railway Company to construct a bridge across the White River in Arkansas—to the Committee on Interstate and Foreign Commerce.

S. 4222. An act authorizing the appointment of John Russell Bartlett, a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy—to the Committee on Naval Affairs.

S. 3633. An act granting an increase of pension to Samuel L. Leffingwell—to the Committee on Invalid Pensions.

S. 1814. An act granting an increase of pension to Anna E. Luke—to the Committee on Invalid Pensions.

S. 4404. An act granting an increase of pension to Otto H. Haselman—to the Committee on Invalid Pensions.

S. 1107. An act limiting the liability of sureties on bonds of officers of the Navy—to the Committee on Naval Affairs.

S. 1643. An act granting an increase of pension to Ellen J. Clark—to the Committee on Invalid Pensions.

S. 4450. An act confirming in the State of South Dakota title to a section of land heretofore granted to said State—to the Committee on Public Lands.

S. 1451. An act to correct the military record of A. W., alias Washington, Huntley—to the Committee on Military Affairs.

S. 3797. An act authorizing the Secretary of War to deliver old pieces of ordnance to the Indian war veterans—to the Committee on Military Affairs.

S. R. 23. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a statue of the late Maj. Gen. Alexander Macomb, U. S. A.—to the Committee on Military Affairs.

S. 3821. An act to extend the time for presentation of claims under the act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, and under acts amendatory thereof—to the Committee on War Claims.

S. 4572. An act to grant an honorable discharge from the

military service to Charles H. Hawley—to the Committee on Military Affairs.

S. 4740. An act granting an increase of pension to Maria L. Godfrey—to the Committee on Invalid Pensions.

S. 319. An act granting an increase of pension to Ida Warren—to the Committee on Invalid Pensions.

S. 2289. An act granting an increase of pension to Benjamin S. Harrower—to the Committee on Invalid Pensions.

S. 4514. An act granting an increase of pension to Mary Beals—to the Committee on Invalid Pensions.

S. 3108. An act granting an increase of pension to Inez E. Perrine—to the Committee on Invalid Pensions.

S. 438. An act granting an increase of pension to John S. Robinson—to the Committee on Invalid Pensions.

S. 2943. An act granting a pension to Thomas S. Rowan—to the Committee on Invalid Pensions.

S. 181. An act granting an increase of pension to William C. David—to the Committee on Invalid Pensions.

S. 3672. An act granting an increase of pension to James Scannell—to the Committee on Invalid Pensions.

S. 3041. An act granting an increase of pension to Emma F. Shilling—to the Committee on Invalid Pensions.

S. 4792. An act relative to the control of dogs in the District of Columbia—to the Committee on the District of Columbia.

S. 4643. An act granting an increase of pension to Phoebe L. Peyton—to the Committee on Invalid Pensions.

S. 3634. An act granting an increase of pension to Elizabeth A. Capehart—to the Committee on Invalid Pensions.

S. 4056. An act granting an increase of pension to Minerva Melton—to the Committee on Invalid Pensions.

S. 1625. An act granting an increase of pension to Jethro M. Getman—to the Committee on Invalid Pensions.

S. 4335. An act granting an increase of pension to John Brown—to the Committee on Invalid Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BURK of Pennsylvania for three days, on account of important business.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I am directed by the Committee on Appropriations to report the bill (H. R. 13359) making appropriations for fortifications and other works defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, and for other purposes. I desire to serve notice that immediately after the Chinese-exclusion bill is disposed of I will call it up.

The SPEAKER. The gentleman from Indiana reports from the Committee on Appropriations the fortification appropriation bill, which will be referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. RICHARDSON of Tennessee. I desire to reserve all points of order on the bill.

URGENT DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, by direction of the Committee on Appropriations I present the following report on an urgent deficiency bill (H. R. 13360) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes.

The SPEAKER. The gentleman from Illinois, by direction of the Committee on Appropriations, reports an urgent deficiency bill. Does the gentleman desire to call it up to-night?

Mr. CANNON. Well, I think I will let it be printed, and ask unanimous consent.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. SHAFROTH. I reserve all points of order on the bill.

CHINESE-EXCLUSION ACT.

Mr. HITT. Mr. Speaker, I desire to give notice that I will endeavor to get the House to take up the Chinese-exclusion bill to-morrow.

LEAVE TO PRINT.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that members who have spoken on the Revenue-Cutter bill be permitted to extend their remarks in the RECORD within five days.

The SPEAKER. The gentleman from New York asks unanimous consent that members who have spoken on the Revenue-Cutter bill have leave to extend their remarks, for five days, in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERMAN. I move that the House adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 42 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William S. Tildon against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a communication from Brig. Gen. Leonard Wood, military governor of Cuba, in relation to resolution of inquiry passed by the House—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation for improvements and repairs—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STORM, from the Committee on Claims, to which was referred the bill of the House (H. R. 6714) for the relief of Alexander S. Rosenthal, reported the same without amendment, accompanied by a report (No. 1320); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1512) granting an increase of pension to Mary Jane Faulkner, reported the same with amendment, accompanied by a report (No. 1321); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2082) granting an increase of pension to Louise Ward, reported the same with amendment, accompanied by a report (No. 1322); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1678) granting an increase of pension to Charles B. Wingfield, reported the same without amendment, accompanied by a report (No. 1323); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3103) granting an increase of pension to Susan Hays, reported the same with amendment, accompanied by a report (No. 1324); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4072) granting an increase of pension to Samuel J. Lambden, reported the same with amendment, accompanied by a report (No. 1325); which said bill and report were referred to the Private Calendar.

Mr. SELBY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5877) granting a pension to Robert Watts, reported the same with amendments, accompanied by a report (No. 1326); which said bill and report were referred to the Private Calendar.

Mr. BALL of Delaware, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6434) granting a pension to Mary Fitch, reported the same with amendments, accompanied by a report (No. 1327); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3277) granting a pension to Mrs. Frances J. Abercrombie, reported the same with amendments, accompanied by a report (No. 1328); which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12576) granting an increase of pension to Thomas Wells, reported the same with amendments, accompanied by a report (No. 1329); which said bill and report were referred to the Private Calendar.

Mr. WHITE, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7922) granting an increase of pension to R. G. Watkins, reported the same with amendments, accompanied by a report (No. 1330); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11181) granting a pension to Alice D. H. Krause, reported the same with amendment, accompanied by a report (No. 1331); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11787) granting a pension to

John J. Manner, reported the same with amendments, accompanied by a report (No. 1332); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5186) granting a pension to John Canter, reported the same with amendments, accompanied by a report (No. 1333); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6454) for the relief of Thomas F. Tobey, reported the same adversely, accompanied by a report (No. 1334); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8544) to place Elias H. Parsons on the retired list of the United States Army, reported the same adversely, accompanied by a report (No. 1335); which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

A bill (H. R. 2794) granting an increase of pension to Bethany Simmons—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13218) granting an increase of pension to Henry L. Karns—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13275) granting an increase of pension to George F. White—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CUSHMAN: A bill (H. R. 13325) to amend section 6 of "An act making further provision for a civil government for Alaska, and for other purposes"—to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: A bill (H. R. 13326) to provide for a national park commission—to the Committee on Military Affairs.

By Mr. FOWLER (by instruction of the majority members of the Committee on Banking and Currency): A bill (H. R. 13327) to maintain the gold standard, provide an elastic currency, equalize the rates of interest throughout the country, and further amend the national banking laws—to the Committee on Banking and Currency.

By Mr. MORRIS: A bill (H. R. 13328) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889—to the Committee on Indian Affairs.

By Mr. JENKINS: A bill (H. R. 13354) to continue the publication of the Supplement to the Revised Statutes—to the Committee on the Judiciary.

By Mr. HEMENWAY, from the Committee on Appropriations: A bill (H. R. 13359) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes—to the Union Calendar.

By Mr. CANNON, from the Committee on Appropriations: A bill (H. R. 13360) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for other purposes—to the Union Calendar.

By Mr. CORLISS: A resolution (H. Res. 199) concerning rule for the consideration of H. R. 5—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BLAKENEY: A bill (H. R. 13329) granting an increase of pension to Leonard Fisher—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 13330) granting an increase of pension to Emil Schincke—to the Committee on Invalid Pensions.

By Mr. BRISTOW: A bill (H. R. 13331) granting an increase of pension to Timothy Donohoe—to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 13332) granting an increase of pension to W. G. Cantley—to the Committee on Pensions.

By Mr. ESCH: A bill (H. R. 13333) for the relief of Walter F. Suiter—to the Committee on Military Affairs.

By Mr. HEMENWAY: A bill (H. R. 13334) to remove the charge of desertion from the military record of William C. Goodman—to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 13335) to provide an American register for the bark *Homeward Bound*—to the Committee on the Merchant Marine and Fisheries.

By Mr. MUTCHLER: A bill (H. R. 13336) for the relief of Samuel Snyder—to the Committee on Military Affairs.

Also, a bill (H. R. 13337) for the relief of Charles Mohn—to the Committee on Military Affairs.

By Mr. NEVIN: A bill (H. R. 13338) granting an increase of pension to Jacob Wittenbach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13339) to remove charge of desertion from record of Daniel L. Tate—to the Committee on Military Affairs.

Also, a bill (H. R. 13340) to remove charge of desertion from record of John B. Henry—to the Committee on Military Affairs.

Also, a bill (H. R. 13341) to remove charge of desertion from record of James Kane—to the Committee on Military Affairs.

Also, a bill (H. R. 13342) to remove charge of desertion from record of Albert W. Keller—to the Committee on Military Affairs.

Also, a bill (H. R. 13343) to remove charge of desertion from record of Anton Smith, alias Charles Roehmer—to the Committee on Military Affairs.

By Mr. NEWLANDS: A bill (H. R. 13344) for the relief of Anna Eliza Isabella von Hemert—to the Committee on the District of Columbia.

By Mr. POWERS of Maine: A bill (H. R. 13345) granting a pension to Celestia A. Whitney—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 13346) for the relief of Isaac Fry—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 13347) granting an increase of pension to Alice E. Mayhew—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 13348) granting an increase of pension to Simon McCalla—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13349) granting a pension Malissa Thomas—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13350) granting a pension to Presley P. Medlin—to the Committee on Pensions.

By Mr. TOMPKINS of Ohio: A bill (H. R. 13351) granting an increase of pension to Clara J. King—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 13352) granting an increase of pension to Charles E. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13353) granting an increase of pension to George Thompson—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 13355) granting an increase of pension to William H. Snyder—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 13356) for the relief of the legal representatives of Edward Lupton, deceased—to the Committee on War Claims.

By Mr. HITT: A bill (H. R. 13357) granting an increase of pension to Joseph Huff—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 13358) granting a pension to Elizabeth A. Wilder—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Levi W. Bissett and others of Deep Valley, Pa., relating to pending reciprocity treaties and concessions—to the Committee on Foreign Affairs.

Also, resolution of Polish Society of Oliver, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. ADAMS: Petition of Marine Engineers' Beneficial Association, relating to licensing marine engineers—to the Committee on the Merchant Marine and Fisheries.

By Mr. BOWERSOCK: Petition of the Grand Army of the Republic, Department of Kansas, favoring House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Osawatimie Division, No. 137, Order of Railway Conductors, of Kansas, favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. BRICK: Resolutions of Branch No. 83, Polish National

Society, of South Bend, Ind., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Clerks' Union of Elkhart, Ind., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. BURLEIGH: Petition of Matthias A. Cullnan, of Belfast, Me., for a pension—to the Committee on Invalid Pensions.

Also, resolution of Libby Post, No. 93, Litchfield, Me., Grand Army of the Republic, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

By Mr. BURNETT: Resolutions of Retail Clerks' Union of Gadsden, Ala., in favor of Senate bill 1891 and the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. CANNON: Papers to accompany House bill 13355, granting an increase of pension to William H. Snyder—to the Committee on Invalid Pensions.

By Mr. CROMER: Resolution of Muncie Lodge, No. 20, of Muncie, Ind., in favor of Senate bill 1118, to limit the meaning of the word "conspiracy," etc., in certain cases—to the Committee on the Judiciary.

By Mr. CUMMINGS: Papers to accompany House bill 12359, granting a pension to George F. Flinn—to the Committee on Invalid Pensions.

By Mr. CURRIER: Petitions of the Woman's Christian Temperance Union of Farmington, Exeter, and Swiftwater, N. H., for an amendment to the Constitution prohibiting polygamy—to the Committee on the Judiciary.

By Mr. DALZELL: Resolutions of Brotherhood of Locomotive Firemen of West Philadelphia, Pa., on the subject of immigration—to the Committee on Immigration and Naturalization.

Also, petition of sundry citizens of Pittsburg, Pa., favoring a Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Pittsburg, Pa., favoring an amendment to the Constitution making polygamy a crime—to the Committee on the Judiciary.

Also, resolutions of Brotherhood of Locomotive Firemen of Pittston and Connellsville, Pa.; Order of Railway Conductors of Renova and Meadville, Pa., and Memphis, Tenn., and Brotherhood of Railroad Trainmen of Braddock, Dubois, Clearfield, Harrisburg, Meadville, and Philadelphia, Pa., favoring the passage of the Hoar-Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. DEEMER: Petitions of citizens of Salona, Flemington, and Williamsport, Pa., to abolish saloons and legalized vice in the Philippines—to the Committee on Insular Affairs.

By Mr. DOUGLAS: Petition of Rev. G. F. Hall and others, of the Fifth Avenue Presbyterian Church, New York City, for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. EDWARDS: Petitions of Miners' Union No. 103, of Marysville, and Cooper City Lodge, No. 500, Locomotive Firemen, Anaconda, Mont., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Resolutions of board of aldermen of New York City, urging an appropriation for the improvement of Buttermilk Channel—to the Committee on Rivers and Harbors.

By Mr. FOSS: Memorial of the First Reformed Presbyterian Church of Chicago, Ill., for the amendment or radical modification of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolutions of Bricklayers and Masons' Union No. 20, Waukegan, Ill., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolution of Second Branch Society of Engineers, Chicago, Ill., favoring an educational restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Resolution of the United Retail Grocers' Association of Brooklyn, N. Y., in favor of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Building Trades Council of Yonkers, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Eight-Hour League of America, in support of a national eight-hour day—to the Committee on Labor.

Also, resolutions of Farragut Post, No. 4, Vallejo, Cal., Grand Army of the Republic, and Manufacturers' Association of New York, favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

Also, petitions of National Association of Clothiers, and Standard Varnish Works, New York City, in favor of amendments to the bankruptcy act—to the Committee on the Judiciary.

Also, resolution of the Manufacturers' Association of New York, favoring House bill 9056, known as the Babcock bill—to the Committee on Ways and Means.

Also, petition of the American Chamber of Commerce, of

Manila, urging certain legislation for the Philippines—to the Committee on Insular Affairs.

By Mr. GRAHAM: Resolution of the League of American Sportsmen, favoring the passage of House bill 10306, for the preservation of wild animals and game birds—to the Committee on the Territories.

Also, resolutions of Carpenters' Union No. 699, of Sewickley, Pa., for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. GREEN of Pennsylvania: Resolutions of the New Century Club, of Philadelphia, Pa., for securing a national forest reserve in the Appalachian Mountains—to the Committee on the Public Lands.

Also, resolutions of Stone Masons' Union No. 38, of Reading, Pa., for the passage of House bill 9330, for a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, petition of citizens of Reading, Pa., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. HANBURY: Resolutions of board of aldermen of New York City, urging appropriation for the deepening and dredging of Buttermilk Channel, New York Bay—to the Committee on Rivers and Harbors.

By Mr. HENRY of Connecticut: Resolutions of Polish Societies of New Britain and Collinsville, Conn., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Bakers' Union No. 8, of Hartford, Conn., for the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Labor Union No. 8, of Hartford; Plasterers' Union No. 20, of South Manchester; Bricklayers and Masons' Union No. 20, of Manchester, Conn., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. KETCHAM: Resolutions of Coopers' Union No. 2, of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOX: Resolutions of Young Men's Polish Society No. 39, of Lowell, Mass., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Painters' Union No. 39, of Lowell, Mass., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. LASSITER: Resolutions of the Chamber of Commerce of Washington, N. C., in regard to an inland waterway from Chesapeake Bay to Beaufort Inlet—to the Committee on Rivers and Harbors.

By Mr. LINDSAY: Resolutions of the board of aldermen of New York City, in favor of the construction of Buttermilk Channel—to the Committee on Rivers and Harbors.

By Mr. MANN: Resolutions of Boot and Shoe Workers' Union No. 151, of West Pullman, Ill., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of E. B. Carr Lodge, No. 115, of Freeport, Ill., Brotherhood of Railroad Trainmen, favoring the passage of the Foraker-Corliss safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MAYNARD: Resolutions of the Board of Trade and Business Men's Association of Norfolk, Va.; also, resolutions of the Chamber of Commerce of Elizabeth City, N. C., for the improvement of inland navigation between the port of Norfolk and Portsmouth, Va., and Beaufort Inlet, North Carolina—to the Committee on Rivers and Harbors.

Also, resolutions of Painters and Decorators' Union No. 519, of Newport News, favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of the Central Labor Union of Norfolk, Va., favoring the continued exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. McCLELLAN: Resolutions of the board of aldermen of New York City, in favor of the construction of Buttermilk Channel—to the Committee on Rivers and Harbors.

By Mr. MIERS of Indiana: Resolutions of Journeymen Barbers' Union No. 170, Vincennes, Ind., favoring a reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. MOODY of Oregon: Petition of Greenhorn Mount Miners' Union, No. 132, of Geiser, Oreg., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Cornucopia Union, No. 91, W. F. of M., of Cornucopia, Oreg., and of Cigar Makers' Union No. 202, of Portland, Oreg., for further restriction of Chinese and Asiatic immigration—to the Committee on Foreign Affairs.

Also, petition of Polish Society of Portland, Oreg., favoring the passage of House bill 16—to the Committee on the Library.

Also, resolution of Cigar Makers' Union No. 202, of Portland, Oreg., in regard to the reduction of duty on cigars—to the Committee on Ways and Means.

Also, resolutions of Roseburg Division, No. 1, Brotherhood of Railway Employees, Roseburg, Oreg., for the establishment of a postal savings department—to the Committee on the Post-Office and Post-Roads.

By Mr. MUTCHLER: Petition of Grand Army of the Republic, Department of Pennsylvania, Westchester, Pa., in favor of the passage of House bill 5796, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Petitions of Polish Young Men's Alliance, Plymouth, Pa., and Polish Society No. IX, of Duryea, Pa., favoring House bill 16, for the erection of an equestrian statue of the late General Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. PATTERSON of Pennsylvania: Resolutions of Polish Societies of Middleport, Mahoney City, New Philadelphia, and Shenandoah, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. RAY of New York: Resolutions of Brotherhood of Railroad Trainmen, of Binghamton, N. Y., favoring the passage of the Grosvenor anti-injunction bill—to the Committee on the Judiciary.

By Mr. RUCKER: Protest of merchants of Madison, Mo., against House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RUPPERT: Resolutions of board of aldermen of New York City, urging an appropriation for the improvement of Buttermilk Channel—to the Committee on Rivers and Harbors.

By Mr. RYAN: Resolutions of board of aldermen of New York City, favoring dredging and deepening of Buttermilk Channel, in bay of New York—to the Committee on Rivers and Harbors.

By Mr. SCHIRM: Resolutions of Granite Cutters' Union of Baltimore, Md., favoring the construction of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

By Mr. SHALLENBERGER: Petition of J. E. Pulver and other citizens of Kearney County, Nebr., for the passage of House bills 178 and 179—to the Committee on Ways and Means.

Also, papers to accompany House bill 13318, granting an increase of pension to Fergus P. McMillan—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13316, granting an increase of pension to Benjamin F. Olcott—to the Committee on Invalid Pensions.

By Mr. SNOOK: Paper to accompany House bill 13349, granting a pension to Malissa Thomas, of Antwerp, Ohio—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13348, granting an increase of pension to Simon McCalla, of Hicksville, Ohio—to the Committee on Invalid Pensions.

By Mr. STARK: Resolution of John W. McConiff Division, No. 246, Railway Conductors, Wymore, Nebr., favoring a further restriction of Chinese immigration—to the Committee on Foreign Affairs.

Also, resolution of Morton Post, No. 17, Hebron, Nebr., Grand Army of the Republic, favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

By Mr. STEVENS of Minnesota: Resolutions of Cigar Makers' Union, and Boot and Shoe Cutters' Union No. 281, of St. Paul, Minn., favoring an educational test for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SULZER: Resolutions of board of aldermen of the city of New York, urging an appropriation for the improvement of Buttermilk Channel—to the Committee on Rivers and Harbors.

By Mr. WANGER: Petition of Joseph P. Dillin and other citizens of Ardmore, Pa., for a game preserve in Alaska and the passage of House bill 11535—to the Committee on the Public Lands.

Also, protest of A. S. Cadwallader and other citizens of Yardley, Pa., against any action which will injure any American industry—to the Committee on Ways and Means.

Also, resolutions of Caroline L. Harrison Circle, No. 78, Ladies of Grand Army of the Republic, Pottstown, Pa., favoring a bill providing pensions to certain officers and men in the Army and Navy and increasing widows' pensions—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Petition of Rose Hill Post, No. 158, Grand Army of the Republic, Department of Illinois, favoring an investigation of the administration of the Commissioner of Pensions—to the Committee on Rules.

Also, resolution of Macedonia Post, No. 469, Grand Army of the Republic, Department of Illinois, favoring the building of war ships in the navy-yards—to the Committee on Naval Affairs.

By Mr. WILSON: Resolutions of board of aldermen of New York City, asking for the improvement of Buttermilk Channel—to the Committee on Rivers and Harbors.

Also, petition of citizens of Brooklyn, N. Y., for the further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WOODS: Papers to accompany House bill 13321 granting an increase of pension to John S. Bonham—to the Committee on Invalid Pensions.

Also, resolutions of Iron Trades Council of San Francisco, Cal., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. YOUNG: Resolution of Shirt, Waist, and Laundry Workers' Union No. 10, Philadelphia, Pa., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, petition of Naval Command No. 1, Camp No. 91, Spanish-American War Veterans, Philadelphia, Pa., favoring the passage of Senate bill 1220—to the Committee on Military Affairs.

Also, petition of Marine Engineers' Beneficial Association No. 13, of Philadelphia, Pa., relating to licensing marine engineers—to the Committee on the Merchant Marine and Fisheries.

SENATE.

FRIDAY, April 4, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

JOHN W. DANIEL, a Senator from the State of Virginia, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

HOT SPRINGS RESERVATION, ARK.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 2d instant, a report by Prof. J. K. Haywood of analysis of the water of the Hot Springs Reservation, Ark., and a geological sketch of the Hot Springs Reservation, by Prof. Walter H. Weed; which, on motion of Mr. BERRY, were, with the accompanying papers, referred to the Committee on Public Lands, and ordered to be printed.

RAILROADS IN THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 18th ultimo, a statement of the legal and traffic relations between the railroads in the Philippine Islands as to the charters and ownership thereof; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

CHIPPEWA INDIANS IN MINNESOTA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs and accompanying copy of an agreement with the Red Lake and Pembina bands of Chippewa Indians in Minnesota for the cession and relinquishment to the United States of the western portion of the Red Lake Reservation, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the bill (S. 1025) to promote the efficiency of the Revenue-Cutter Service in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3231) to legalize and maintain a new steel bridge erected in place of the old wooden structure across the Little Tennessee River at Niles Ferry, Tenn., by the Atlanta, Knoxville and Northern Railroad;

A bill (H. R. 283) granting an increase of pension to Robert M. McCullough;

A bill (H. R. 610) to correct the military record of John F. Antlitz;

A bill (H. R. 725) granting an increase of pension to Joseph B. Arbaugh;

A bill (H. R. 809) granting an increase of pension to James P. Burchfield;

A bill (H. R. 918) granting an increase of pension to Charles Misner;

A bill (H. R. 1190) granting an increase of pension to Albert S. Whittier;